

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.643 of 2024
In
Civil Writ Jurisdiction Case No.15678 of 2023

Birendra Prasad Mehra, aged about 67 years, male, Son of Nawal Kishor Mehra, Resident of House No. 83, Ward No. 09, Village- Bherwa, Nawadih, Block- Madhupur, P.O.- Madhupur, P.S.- Madhupur, District- Deoghar, Jharkhand.

... .. Appellant

Versus

1. The State of Bihar through the Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The Joint Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. The Regional Chief Engineer, Public Health Engineering Zone, Bhagalpur.
4. The Superintending Engineer, Public Health Engineering Circle, Bhagalpur.
5. The Superintending Engineer, Public Health Engineering Circle, Munger.
6. The Executive Engineer, Public Health Division, Banka.
7. The Executive Engineer, Public Health Division, Jamui.
8. Sri Brij Bhushan Prasad Sinha, the then Executive Engineer, PHED Division, Banka.

... .. Respondents

Appearance :

For the Appellant : Mr. Dhananjay Kumar Tiwary, Advocate
For the Respondents : Mr. S. Raza Ahmad, AAG-5

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 02-02-2026

Heard learned counsel for the appellant and learned counsel for the respondent.

2. The present *intra* Court appeal has been filed against judgment dated 02.04.2024, passed by the learned Single Judge of this Court in C.W.J.C. No.15678 of 2023, whereby the writ petition filed by the appellant was dismissed



solely on the ground of delay and laches.

3. The brief facts of the case are that the appellant was initially appointed as a Junior Engineer in the Public Health Engineering Department (hereinafter referred to as “*PHED*”) and was subsequently promoted to the post of Assistant Engineer. A departmental proceeding was initiated against the appellant vide memo dated 21.03.2012, to which he submitted his explanation. Thereafter, a charge-sheet was issued on 13.09.2012. Upon conclusion of the inquiry, the Inquiry Officer submitted his report on 12.03.2014, holding the charges framed against the appellant proved. A second show-cause notice was issued on 07.04.2014, followed by the order of punishment dated 19.07.2016. The appellant also filed a representation regarding payment of outstanding salary, which was disposed of on 20.09.2016.

4. Learned counsel for the appellant submits that the learned Single Judge dismissed the writ petition solely on the ground of delay, without examining the merits of the case, thereby causing serious prejudice to the appellant. It is further submitted that the appellant had already preferred a statutory appeal against the order of punishment and had not received any information regarding its disposal. According to the appellant, the delay stood sufficiently explained and ought not to have



been treated as fatal to the writ petition.

5. *Per contra*, learned counsel appearing for the Respondent-State submits that the appellant approached the writ Court after an inordinate and unexplained delay, and failed to furnish any satisfactory explanation for invoking the extraordinary writ jurisdiction at such a belated stage. It is thus submitted that the learned Single Judge has rightly exercised judicial discretion in dismissing the writ petition.

6. The limited issue for consideration before this Court is whether the learned Single Judge was justified in dismissing the writ petition on the ground of delay and laches, and whether such dismissal calls for any interference in intra-court appellate jurisdiction.

7. Upon hearing learned counsel for the parties and upon careful perusal of the impugned judgment, this Court finds that the learned Single Judge, after considering the facts and circumstances of the case, has categorically held that the writ petition was liable to be dismissed on the ground of delay and laches alone. The learned Single Judge has recorded a clear finding that the petitioner approached this Court after an unexplained delay of more than seven years, without assigning any reason whatsoever. The relevant observation of the learned Single Judge reads as under:



“7. Considering the facts and circumstances of the case and for the reasons mentioned hereinabove in the preceding paragraphs, this Court finds that the present writ petition is fit to be dismissed on the ground of delay and laches alone inasmuch as the petitioner has approached this Court belatedly after an unexplained delay of more than 7 years, especially in view of the principles of law laid down by the Hon’ble Apex Court in a catena of judgments, as referred to by the Ld. counsel for the Respondent-State and recorded herein above in the preceding paragraphs, as also considering the maxim-“equity aids the vigilant and not those who slumber on their rights”. Thus, this Court is of the view that since the petitioner has not filed the writ petition within a reasonable period of time, this Court is not under any legal obligation to entertain the writ petition, especially considering the fact that the petitioner has not offered any reason whatsoever, for the enormous delay which has taken place in approaching this Court, hence, the present writ petition is dismissed on the ground of delay and laches.”

8. The learned Single Judge has further observed that, in view of the settled principles of law laid down by the Hon’ble Apex Court in a catena of judgments, the writ court is not under any legal obligation to entertain a writ petition filed beyond a reasonable period, particularly when no explanation



for the delay has been furnished. The discretion exercised by the learned Single Judge in declining to entertain a stale claim is thus in accordance with the well-established principles governing jurisdiction under Article 226 of the Constitution of India.

9. This Court is in complete agreement with the aforesaid reasoning. It is well settled that delay and laches makes a litigant disentitled to discretionary relief, and the mere pendency or filing of a departmental appeal cannot justify approaching the writ court after lapse of several years.

10. The law relating to delay and laches is well settled. The Hon'ble Supreme Court has consistently held that writ jurisdiction being discretionary, stale and belated claims ought not to be entertained, particularly when no satisfactory explanation for delay is furnished. In ***State of M.P. v. Bhailal Bhai*** reported in ***AIR 1964 SC 1006***, Hon'ble Supreme Court has observed as follows:

21. ...It appears to us however that the maximum period fixed by the legislature as the time within which the relief by a suit in a Civil Court must be brought may ordinarily be taken to be a reasonable standard by which delay in seeking remedy under Article 226 can be measured. The court may consider the delay unreasonable even if it is less than the period of limitation prescribed for a civil action for the remedy but



where the delay is more than this period, it will almost always be proper for the court to hold that it is unreasonable...”

11. Further, in the case of ***P.S. Sadasivaswamy v. State of Tamil Nadu*** reported in ***(1975) 1 SCC 152***, the Hon'ble Supreme Court has observed as follows:

2... In effect he wants to unscramble a scrambled egg... It is not that there is any period of limitation for the Courts to exercise their powers under Article 226 nor is it that there can never be a case where the Courts cannot interfere in a matter after the passage of a certain length of time. But it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their extraordinary powers under Article 226 in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle settled matters. The petitioner's petition should, therefore, have been dismissed in limine. Entertaining such petitions is a waste of time of the Court. It clogs the work of the Court and impedes the work of the Court in considering legitimate grievances as also its normal work. We consider that the High Court was right in dismissing the appellant's petition as well as the appeal.”

12. The principle that equity aids the vigilant and not those who slumber on their rights has been reiterated in



Chennai Metropolitan Water Supply and Sewerage Board v. T.T. Murali Babu reported in ***(2014) 4 SCC 108***, which has rightly been taken into consideration by the learned Single Judge.

13. In view of the aforesaid discussions, we find that the learned Single Judge was justified in dismissing the writ petition on the ground of delay and laches. This Court, therefore, is of the view that there is no perversity, illegality, or jurisdictional error in the impugned judgment warranting interference by this Court in its intra-court appellate jurisdiction.

14. Accordingly, the present *intra* court appeal stands dismissed and the judgment dated 02.04.2024 passed by the learned Single Judge is hereby affirmed.

15. Pending application(s) , if any, shall also stand disposed of.

(Sudhir Singh, J.)

(Rajesh Kumar Verma, J.)

*Gaurav Kumar,
Ibrar/-*

AFR/NAFR	NAFR
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