

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2999 of 2022

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Ram Sewak Thakur Son of Late Nand Lal Thakur Resident of Mohalla-
Saudagar, Post- Lalbagh, Town Police Station- Darbhanga, District-
Darbhanga.

... .. Petitioner/s

Versus

1. Chancellor of the Universities of Bihar Raj Bhawan, Patna.
2. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar.
3. Director, Higher Education Department, Government of Bihar, Patna.
4. Lalit Narayan Mithila University, through its Registrar, Kameshwarnagar, Darbhanga.
5. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwarnagar, Darbhanga.
6. The Pro Vice Chancellor-cum-Chairman of the Grievance Redressal Cell, Lalit Narayan Mithila University, Kameshwarnagar, Darbhanga.
7. The Registrar, Lalit Narayan Mithila University, Kameshwarnagar, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyanand Roy, Adv.
For the Respondent/s : Mr. Madan Jeet Kumar (Gp 20)
For the LNMU : Mrs. Binita Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

JUDGMENT AND ORDER

C.A.V.

Date : 01-04-2026

1. The petitioner has filed the present writ application for modification in the notification issued under memo no. 890-1189/04 dated 06.06.2004 and memo no. 18868-19154/09 dated 26.12.2009 issued by L.N. Mithila University by which the petitioner's services has been regularized and his regularization has been shifted from 06.06.2004 to 01.01.1992



on the post of Routine Clerk. The petitioner has further prayed for a direction to the respondents to issue notification for his regularization on the post of Assistant and to fix the scale of the Assistant with effect from 01.01.1992.

2. The brief facts, as placed by the petitioner in his writ application, is that the petitioner was engaged on daily wages in the university on 01.01.1992. He was retrenched from daily wage engagement vide memo no. 4879/4961 dated 27.04.1994 and was again engaged to work vide memo no. 10028/145 dated 24.09.1994 wherein the name of the petitioner has been mentioned at serial no. 64 on the post of Assistant.

3. An advertisement was published in the newspaper by the Registrar of the University for inviting application for appointment on different posts including the post of Assistant, Routine Clerk, Store Keeper and Laboratory In-charge. The petitioner applied on the post of Assistant, whereby he was issued interview letter bearing no. 9443 dated 19.07.1997. After interview, a panel of selected candidates was prepared in which the petitioner was shown as working against the post of Assistant.

4. On 06.06.2004, vide memo no. 890-1189/04, the service of the petitioner was regularized on the post of Routine



Clerk and by way of subsequent notification of the university dated 26.12.2009, the date of regularization of the petitioner was shifted back to 01.01.1992 as Routine Clerk. The petitioner has filed several representations in this regard before the Registrar and Vice-Chancellor regarding the change of post from Routine Clerk to Assistant but no action was taken on the representations filed by the petitioner, hence, the writ application.

5. Mr. Gyanand Roy, learned counsel for the petitioner submits that service of the petitioner has been regularized on the post of Routine Clerk instead of on the post of Assistant on which he had applied for his regularization. The interview of the petitioner was also conducted for the post of Assistant. Even after the petitioner was eligible for the post of Assistant, his services were wrongly regularized on the post of Routine Clerk and the date of regularization has been shifted to initial date of engagement of the petitioner i.e. 01.01.1992 as Routine Clerk.

6. Learned counsel further submits that the university has changed the cadre of one Naveena Kumari, whose services were earlier regularized to the post of Typist to the post of Assistant. He next submits that in a notification dated



24.07.2024, by order of the Vice-Chancellor, Naveena Kumari has further been promoted to the post of Section Officer. The petitioner has retired from his service on 28.02.2023 without getting a promotion, whereas several persons who were engaged on the post of Routine Clerk have been absorbed on the post of Assistant and were promoted to the post of Section Officer. The petitioner has been agitating his grievance by filing representations and making prayer for modification of the notifications to the Registrar and Vice-Chancellor, but of no avail.

7. Learned Counsel for the respondents submits that it is obvious by notifications dated 06.06.2004 and 26.12.2009 that the petitioner was regularized on the vacant post of Routine Clerk which cannot be modified after a long gap of almost two decades. Naveena Kumari was promoted to the post of Assistant who was earlier been absorbed as Typist on the basis of reservation roster as she falls under the Scheduled Caste category and such benefit was given by the university after verification. She was not promoted to the post of Section Officer, rather she was given charge of the higher post after the direction of the State Government in the notification dated 24.07,2024.



8. It has further been submitted that the petitioner has retired on 28.02.2023 and the process of temporary promotion was done in the year 2024. All the promotions were on temporary basis.

9. I have heard learned counsel for the parties and have gone through the materials available on record.

10. Delay and laches is a recognized doctrine. "Laches" is derived from french language and means remissness and slackness. The Supreme Court, in the case of **Union of India and Others v. N. Murugesan and Others**, reported in (2022) 2 SCC 25, has held that laches involves unreasonable delay or negligence in pursuing a claim involving an equitable relief while causing prejudice to the other party. It is neglect on the part of a party to do an act which law requires while asserting a right and therefore must stand in the way of the party getting relief or remedy. In paragraph 21 and 22 of the judgment, the Hon'ble Supreme Court has observed as follows:-

"21. The word "laches" is derived from the French language meaning "remissness and slackness". It thus involves unreasonable delay or negligence in pursuing a claim involving an equitable relief while causing prejudice to the other party. It is neglect on the part of a party to do an act which law requires while asserting a



right, and therefore, must stand in the way of the party getting relief or remedy.

22. Two essential factors to be seen are the length of the delay and the nature of acts done during the interval. As stated, it would also involve acquiescence on the part of the party approaching the court apart from the change in position in the interregnum. Therefore, it would be unjustifiable for a Court of Equity to confer a remedy on a party who knocks its doors when his acts would indicate a waiver of such a right. By his conduct, he has put the other party in a particular position, and therefore, it would be unreasonable to facilitate a challenge before the court. Thus, a man responsible for his conduct on equity is not expected to be allowed to avail a remedy."

11. Yet in another judgment of **Chairman, State Bank of India and Another v. M.J. James**, reported in **(2022) 2 SCC 301**, the Hon'ble Supreme Court has observed as follows:-

"36. What is a reasonable time is not to be put in a straitjacket formula or judicially codified in the form of days, etc. as it depends upon the facts and circumstances of each case. A right not exercised for a long time is non-existent. Doctrine of delay and laches as well as acquiescence are applied to non-suit the litigants who approach the court/appellate authorities belatedly without any justifiable explanation for



bringing action after unreasonable delay. In the present case, challenge to the order of dismissal from service by way of appeal was after four years and five months, which is certainly highly belated and beyond justifiable time. Without satisfactory explanation justifying the delay, it is difficult to hold that the appeal was preferred within a reasonable time. Pertinently, the challenge was primarily on the ground that the respondent was not allowed to be represented by a representative of his choice. The respondent knew that even if he were to succeed on this ground, as has happened in the writ proceedings, fresh inquiry would not be prohibited as finality is not attached unless there is a legal or statutory bar, an aspect which has been also noticed in the impugned judgment. This is highlighted to show the prejudice caused to the appellants by the delayed challenge. We would, subsequently, examine the question of acquiescence and its judicial effect in the context of the present case."

12. The Apex Court in **Surjeet Singh Sahni v. State of U.P. and Others**, reported in **(2022) 15 SCC 536**, has held that mere filing representation does not extend the period of limitation and if it is found that the writ petitioner is guilty of delay and laches, the High Court should dismiss it at the threshold and ought not to dispose of the writ petition by



relegating the writ petitioner to file representation and /or directing the authority to decide the representation.

13. In the present case, the petitioner has challenged the notification dated 06.06.2004 and 26.12.2009 seeking its modification after inordinate delay. Though the case of the petitioner is that he kept on filing representations on several occasion, but the petitioner has approached this Court after a long gap of nearly about 18 years raising claim of regularization on the post of Assistant. The petitioner retired on 28.02.2023 and woke up from deep slumber and filed this writ application after nearly two decades on a dead cause of action which can be termed as stale claim. Following the law laid down by the Supreme Court that the writ court should be conscious and alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure and pleasure, the court is under a legal obligation to scrutinize whether the lis at a belated stage should be entertained or not.

14. This court is of the view that this is a textbook case of delay and laches where the petitioner has chosen to wake up from the slumber after nearly two decades. Applying the law laid down by the Supreme Court to the facts of the present



case, this Court finds no merit in the writ petition. The writ petition is clearly barred by delay and laches.

15. Accordingly, the present writ petition is dismissed with no order as to costs.

16. Pending interlocutory application(s), if any also stands dismissed.

(Anil Kumar Sinha, J)

HarshPandey/-

AFR/NAFR	AFR
CAV DATE	13.01.2026
Uploading Date	01.04.2026
Transmission Date	N/A

