



2026:CGHC:14909



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2887 of 2026

1 - Nisha Thavre W/o Shri Suresh Thavre Aged About 44 Years R/o Ward No. 10, Chikhlakasa, Dallirajahra, Distt. Balod Chhattisgarh

... Petitioner

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Distt. Raipur Chhattisgarh

2 - Collector, Kanker Distt. North Bastar Kanker Chhattisgarh

3 - District Education Officer Kanker, Distt. North Bastar Kanker Chhattisgarh

4 - Chief Executive Officer Zila Panchayat, Kanker, Distt. North Bastar Kanker Chhattisgarh

... Respondents

For Petitioner : Mr. Raman Patel, Advocate on behalf of Mr. Rajendra Patel, Advocate

For Respondents-State : Ms. Apurva Nigam, Panel Lawyer

SB: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

01/04/2026

1. The petitioner has filed this writ petition seeking following reliefs:-

"10.1 That, this Hon'ble Court may kindly be pleased to set-aside the impugned order dated 15.01.2015 and direct the respondents to reinstate the petitioner into service.



10.2 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to consider and decide the fresh representation of the petitioner in light of the order dated 08.11.2021 and relevant rules/circulars within stipulated time period.

10.3 Any other relief/reliefs in favour of the petitioner, which the Hon'ble Court deem fit and just in the facts and circumstances of the case, including awarding of the costs to the petitioner."

2. Learned counsel for the petitioner submits that the petitioner was terminated from his service vide order dated 15.01.2015. The order of termination was not served upon the petitioner, however, when the petitioner has made an application under the Right to Information Act, 2005 on 11.02.2021 then only, the information was supplied to the petitioner in the year 2021. The writ petition is filed thereafter, on 16.03.2026, therefore, he contended that in the facts of the case, delay is not to be counted from the year 2015 and the writ petition has been filed within time, after receipt of the order dated 15.01.2015 (Annexure P/1) .
3. On the other hand, learned counsel for the Respondents/State opposes the submission made by the counsel for petitioner and would submit that that the order passed by the Respondent No. 4/Chief Executive Officer is of the year 2015 and thereby, the writ petition is filed with delay of more than 10 years from the date of passing of the order. She also pointed out that the impugned order is passed by the Respondent No. 4 upon enquiry being conducted by him wherein, petitioner has been held to be ineligible for appointment.
4. When question is posed to the counsel for petitioner as to since when, petitioner is not in service, he fairly submitted that according to his instructions, petitioner is not in service since the year 2008.
5. I have heard learned counsel for the parties and perused the documents placed on record.



6. Perusal of the order dated 15.01.2015 (Annexure P/1) would show that the petitioner has filed proceedings before the Respondent No. 4. She being an applicant, the proceedings filed by the petitioner was decided on 15.01.2015 wherein, the petitioner has been held to be ineligible for her appointment. Petitioner has not filed any order removing from her service as her marks was much below the cut-off marks from the last candidate appointed in her category. In the order dated 15.01.2015 (Annexure P/1) which is an order of removal, upon re-enquiry, it is mentioned that the petitioner submitted forged experience certificate and on that basis, she was awarded 10 additional marks. The experience certificate enclosed along with the application form of the petitioner was got verified through Block Education Officer, who submitted a report stating that the experience certificate was not issued. If a person obtains a job on forged documents then, leniency is not to be shown. If the authority has concluded upon verifying the fact and enquired about the correctness of the document, it would be sufficient.
7. It has been repeatedly held by the Hon'ble Supreme Court that against an impugned order, if a person wishes to approach the Court invoking writ jurisdiction, he should approach the Court within a reasonable period. The reasonable period cannot be stretch to the extent of more than a decade.
8. In the case of **Bhoop Singh v.** It has been repeatedly held by the Hon'ble Supreme Court that against an impugned order, if a person wishes to approach the Court invoking writ jurisdiction, he should approach the Court within a reasonable period. The reasonable period cannot be stretch to the extent of more than a decade. **Union of India** reported in **(1992) 3 SCC 136** it was held as under:-



"7. It is expected of a Government servant who has a legitimate claim to approach the Court for the relief he seeks within a reasonable period, assuming no fixed period of limitation applies. This is necessary to avoid dislocating the administrative set-up after it has been functioning on a certain basis for years. During the interregnum those who have been working gain more experience and acquire rights which cannot be defeated casually by lateral entry of a person at a higher point without the benefit of actual experience during the period of his absence when he chose to remain silent for years before making the claim. Apart from the consequential benefits of reinstatement without actually working, the impact on the administrative set-up and on other employees is a strong reason to decline consideration of a stale claim unless the delay is satisfactorily explained and is not attributable to the claimant. This²² is a material fact to be given due weight while considering the argument of discrimination for deciding whether the petitioner is in the same class as those who challenged their dismissal several years earlier and were consequently granted the relief of reinstatement."

8. There is another aspect of the matter. Inordinate and unexplained delay or laches is by itself a ground to refuse relief to the petitioner, irrespective of the merit of his claim. If a person entitled to a relief chooses to remain silent for long, he thereby gives rise to a reasonable belief in the mind of others that he is not interested in claiming that relief. Others are then justified in acting on that belief. This is more so in service matters where vacancies are required to be filled promptly. A person cannot be permitted to challenge the termination of his service after a period of twenty-two years, without any cogent explanation for the inordinate delay, merely because others similarly dismissed had been reinstated as a result of their earlier petitions being allowed."



9. In case of **Uttaranchal Forest Development Corpn. and another v. Jabar Singh and others**, reported in **(2007) 2 SCC 112** it was observed as under:-

"43. The termination order was made in the year 1995 and the writ petitions were admittedly filed in the year 2005 after a delay of 10 years. The High Court, in our opinion, was not justified in entertaining the writ petition on the ground that the petition has been filed after a delay of 10 years and that the writ petitions should have been dismissed by the High Court on the ground of laches."

10. Further, in the case of **New Delhi Municipal Council v. Pan Singh and others**, reported in **AIR 2007 SC 1365**, Hon'ble Supreme Court reiterating the principles relating to interference in cases where petitioner approached the Court with unexplained delay, held as under:

"16. There is another aspect of the matter which cannot be lost sight of. The respondents herein filed a writ petition after 17 years. They did not agitate their grievances for a long time. They, as noticed herein, did not claim parity with the 17 workmen at the earliest possible opportunity. They did not implead themselves as parties even in the reference made by the State before the Industrial Tribunal. It is not their case that after 1982, those employees who were employed or who were recruited after the cut-off date have been granted the said scale of pay. After such a long time, therefore, the writ petitions could not have been entertained even if they are similarly situated. It is trite that the discretionary jurisdiction may not be exercised in favour of those who approach the court after a long time. Delay and laches are relevant factors for exercise of equitable jurisdiction."



11. In case of **Union of India v N Murugesan**, reported in **(2022) 2**

SCC 25, Hon'ble Supreme Court while considering delay, laches and acquiescence, has observed thus:-

“20.One can say that delay is the genus to which laches and acquiescence are species. Similarly, laches might be called a genus to a species by name acquiescence. However, there may be a case where acquiescence is involved, but not laches.....” “....The underlying principle governing these concepts would be one of estoppel. The question of prejudice is also an important issue to be taken note of by the court.”

22.....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.”

12. Recently, in the matter of **Bichitrananda Behera Vs. State of Orissa and others** reported in **2023 Livelaw (SC) 883**, Hon'ble Supreme Court while considering that original application filed on 2.4.2005 challenging resolution dated 7.1.1993 of the Managing Committee constituted on 28.12.1992; respondent No.5 had not moved before any forum for 12 years, be it Court of law or tribunal or an authority, assailing his claim qua the solitary post of PET in the school in question, has observed taking note of decision in cases of **Union of India v Tarmsem Singh, (2008) 8 SCC 648; Chairman, State of Bank of India vs MJ James**, reported in **(2022) 2 SCC 301**, that respondent No.5 should have been non-suited on the ground of delay and laches.



13. Taking into consideration the facts and circumstances of the case as also the decision taken by Hon'ble Supreme Court in above discussed cases, I do not find any good ground to entertain this writ petition on the ground that it is filed with inordinate delay of more than 10 years. Accordingly, the present writ petition being devoid of merits is liable to be and is hereby **dismissed**.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Dey