

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 1589 of 2026

Nimai Chandra Dutta, aged about 57 years, S/o Late Danda Ranjan Dutta, R/o Village-Dev tand, Po & PS-Dev tand, Dist-Godda.

... .. **Petitioner(s)**

Versus

1. The State of Jharkhand through its Secretary, (Primary Education) School Education and Literacy Department, Govt of Jharkhand, MDI Building, HEC Dhurwa, PO & PS-Dhurwa, Dist-Ranchi.
2. The Director Primary Education) School Education and Literacy Department, Govt of Jharkhand, MDI Building, HEC Dhurwa, PO & PS-Dhurwa, Dist-Ranchi.
3. The Jharkhand Public Service Commission, through the Secretary, having its office at 98HH+468, Circular Road, Deputy Para, Ahirtoli, Ranchi, PO & PS-Ranchi, Dist-Ranchi.
4. The District Superintendent of Education, Godda, PO & PS-Godda, Dist-Godda.

... .. **Respondent(s)**

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s)	: Mr. Sanjit Kumar, Advocate Mr. Sanjay Kr. Pandey, Advocate
For the Respondent(s)	: Mr. Baibhaw Gahlaut, AC to AAG-V Mr. Sanjoy Piprawall, Advocate Mr. Prince Kumar, Advocate Mr. Jay Prakash, Advocate

03/ 16th March, 2026

1. Heard the parties.
2. The petitioner, in this writ petition, has prayed for following reliefs:-

"1. For issuance of an appropriate writ/writs, direction/directions directing the respondents to appoint the petitioner on the post Primary teacher in the District Godda, in term of the result published by the Jharkhand Public Service Commission, as successful candidate for the said post and in light of the judgment dated 17.11.2020, passed by the Hon'ble Supreme Court in Civil Appeal No.3693/2020, in case of Bhagirathi Pd. Dey the Assistant Teacher of the Project Girls High School, Kharsawan, District: Saraikela Kharsawan, by which the training degree obtained from Sister Nivedita College, Kolkatta, has been declared valid one and further direct the respondent to pay all consequential benefits to the petitioner for which he is entitled."

3. Learned counsel for the petitioner submits that the petitioner should have been appointed as Assistant Teacher since the B.Ed. Degree which was obtained by the petitioner from Sister

Nivedita College, Kolkatta was considered favourably by the Hon'ble Supreme Court in Civil Appeal No.3693 of 2020 and thus, the petitioner needs to be appointed.

4. Learned counsel appearing on behalf of the JPSC strongly opposes the prayer and submits that the petitioner is seeking appointment pursuant to an appointment process of 2002 which already came to an end in 2005 and the panel has already lapsed. He submits that thereafter, several advertisements have been published and the appointment process is continuing regularly. He lastly submits that the petitioner kept quiet for such a long period and now the said claim cannot be entertained.

5. The issue as to whether the B.Ed. Degree of the petitioner obtained from Sister Nivedita College, West Bengal, is valid, even if decided in favour of the petitioner, can no longer be of any benefit to the petitioner as the petitioner is claiming appointment pursuant to an appointment process of the year 2002, which has come to an end in the year 2005. The claim of the petitioner is stale and cannot be allowed to be revived now after more than 20 years. It is admitted by the petitioner that the petitioner applied pursuant to an Advertisement of 2002 and it is also been admitted that the entire process has been concluded in the year 2005 wherein the petitioners' candidature was rejected on the ground that he has obtained B.Ed. Degree from the Sister Nivedita College, West Bengal. If the petitioner was really aggrieved by the aforesaid order and non-recognition of the said B.Ed. Degree, the petitioner should have approached this Court immediately. The petitioner kept quiet and slept over the matter and only approach this Court in the year 2026 that too taking shelter of an order passed by the Hon'ble Supreme Court on 17th November, 2020.

6. The Hon'ble Supreme Court in the case of "***Damor Nanabhai Manabhai and Others vs State of Gujarat and Others***" in Special Leave Petition (C) No.5619 of 2024 "" reported in **2025 SCC OnLine SC 3105** on 02nd December 2025, disapprove the of practice of reviving, stayed or dead claims. The Hon'ble Supreme Court in the aforesaid judgment at paragraph No.8 held that the question of limitation delay and latches has to be examined with reference to the original cause of action and not with reference to the date on which an order is passed on a representation in compliance

with such a direction. It is necessary to quote paragraph No.8, which is as under:-

"8. This Court has repeatedly disapproved the practice of seeking to revive stale or dead claims by the device of repeated representations, followed by a prayer for a direction to "consider" and a consequential challenge to the order passed on such consideration. In Union of India v. M.K. Sarkar, (2010) 2 SCC 59, this Court held that even where a belated representation is considered and rejected pursuant to a court's direction, the rejection does not furnish a fresh cause of action. The question of limitation, delay and laches has to be examined with reference to the original cause of action and not with reference to the date on which an order is passed on a representation in compliance with such a direction. We believe that a court or tribunal, before issuing a direction for "consideration" without examining the merits, must first satisfy itself that the claim relates to a live issue. If the claim pertains to a stale or dead issue, the court must put an end to the matter rather than enable avoidable, successive rounds of litigation."

7. Further, the Hon'ble Supreme Court in the aforesaid case in Paragraph No.9 has relied upon the judgment of "**State of Uttar Pradesh Vs. Arvind Kumar Srivastava**" reported in (2015) 1 SCC 347. The paragraph No.9 also needs to be quoted, which is as under:-

"9. In the present case, the petitioners, whose services stand terminated, are not identically situated as the writ petitioner in Special Civil Application No. 4293 of 2021, who raised a claim in respect of higher grade pay scales while being in service. Similarly, while a court order in favour of a set of persons may, in appropriate cases, be extended to others who are identically situated, this is subject to recognised exceptions, including delay, laches and acquiescence. Those who seek to claim the benefit after long delay, merely upon noticing that others have succeeded, cannot as a matter of course demand similar relief. In State of Uttar Pradesh v. Arvind Kumar Srivastava, (2015) 1 SCC 347, this Court has explained these principles succinctly in the following portion:

"22. The legal principles which emerge from the reading of the aforesaid judgments, cited both by the appellants as well as the respondents, can be summed up as under.

22.1. The normal rule is that when a particular set of employees is given relief by the court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that

all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently

22.2. However, this principle is subject to well-recognised exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim."

8. Considering the aforesaid orders passed by the Hon'ble Supreme Court and also in view of the fact that the petitioner is challenging his disqualification which took place in 2005 by filing the writ petition in 2026 and that too, when the advertisement is of the year only 2002, I am of the view that this writ petition is hopelessly barred by delay and laches and no relief can be granted to the petitioner. Accordingly, this writ petition stands **dismissed**.

(ANANDA SEN, J.)

16.03.2026
S.K.D/CP-2

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