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(4)

CF 1002

**IN THE HIGH COURT OF JUDICATURE AT BILASPUR**  
**CHHATTISGARH**

**WRIT APPEAL NO.....26/2007**

**APPELLANT:**

P.R. No. 93317  
 Presented by Anju Singh  
 dated 22/07/07

Smt. Shashibala Gandhrala,,  
 aged about 35 years, W/o.  
 Shri Ram Lal Gandharala ,  
 Occupation - Assistant  
 Teacher, Mata Rukmani Sewa  
 Sansthan, Kanya Aashram,  
 Dhanora, District Dantewada  
 (South Baster) (C.G.)

**VERSUS****RESPONDENTS**

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1. State of Chhattisgarh,  
 Through : The Secretary,  
 Schedule Caste/Schedule  
 Tribe & Backward Classes  
 Welfare Department, D.K.S.  
 Bhawan, Raipur (C.G.)
2. Collector, Tribal Department,  
 District - Bastar (C.G.)
3. Mata Rukhamani Seva  
 Sansthan, Dhimarapal,  
 District Bastar (C.G.)
4. Secretary, Mata Rukhamani  
 Seva Sansthan, Dhimarapal,  
 District Bastar (C.G.)

**WRIT APPEAL UNDER CLAUSE 157 (10) (a) (2) OF**  
**CHAPTER XI OF HIGH COURT OF CHHATTISGARH**  
**RULES, 1995** - 2005 A.D.B

A

**HIGH COURT OF CHHATTISGARH : BILASPUR**

**Division Bench**

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**Coram :** Hon'ble Shri H.L. Dattu, CJ &  
Hon'ble Shri V.K. Shrivastava, J

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**WRIT APPEAL NO. 26 OF 2007**

**APPELLANT**

Smt. Shashibala Gandhrala,

**Versus**

**RESPONDENTS**

State of Chhattisgarh and  
others.

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**Present :**

Shri D.R. Sharma, Sr. Advocate with Shri B.D. Badgaiyan,  
counsel for the petitioner.

Shri Prashant Mishra, Addl. Advocate General for  
respondents No. 1 and 2.

None for other respondents.

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**ORAL ORDER**

(Passed on 28<sup>th</sup> February, 2007)

The following oral order of the Court was passed by  
H.L. Dattu, C.J.

Appellant before us was appointed as Assistant  
Teacher/Upper Division Teacher in aided institution. There is a  
revision of pay scale some time in the year 1995. Since the benefit  
of revision of pay scale was not given to the petitioner, she had  
approached this Court by filing a petition sometime in the year  
2006. Learned single Judge had rejected the writ petition solely on  
the ground of delay and laches on the part of the petitioner in  
approaching this Court merely after 11 years from the date of  
notification issued by the Central Government.

2) The discretionary jurisdiction of this Court cannot be extended to a person who slept over her right. There is no explanation much less reasonable explanation by the petitioner in approaching this Court for implementation of the benefit of the notification merely after 11 years from the date of issuance of the notification.

3) In our opinion, the delay in filing the petition by the petitioner is fatal to the proceedings. Therefore, the learned single Judge had rightly rejected the writ petition. We do not see any error in the orders passed by the learned single Judge which would call for interference by us. Accordingly the writ appeal is rejected.

Ordered accordingly. ;

Sd/-  
Chief Justice

Sd/-  
V.K. Shrivastava  
Judge