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**ASSIGN
BUSTER**

There is no period of limitation prescribed for a writ petition.

It is true that ordinarily 90 days' period is supposed to be the reasonable period and if an application is made within this period, it is not thought to have been filed with laches, but there is no hard and fast rule about the period of 90 days. What is a reasonable period depends upon circumstances and it cannot be laid down as a hard and fast rule that 90 days are sufficient in every case. It can be observed that it is not possible to say that filing a writ application on 90th day is filing it within the reasonable period whereas filing it on the 91st day is filing it with undue laches. The petition cannot be dismissed merely because it was filed one day beyond what the High Court considers reasonable in an ordinary case.

(2) Existence of an alternative remedy.

(3) Suppression of facts:

A writ petition can be rejected on the ground of suppression of material facts by the petitioner. The petitioner was an employee in the Co-operative development Union and was charged with offences for embezzlement. He was suspended in the year 1953 and two charges served on him in 1954 to which he sent the replies.

In respect of those charges and the replies on final orders were passed. In the meantime, he was prosecuted for certain criminal offences. Because of this prosecution, the Department stayed its hands even on those two charges which were not even the subject matter of the criminal trial. He was acquitted in the criminal trial in the year 1957 after which a third charge was

served on him. He applied under Art. 226 praying for the quashing of the third charge and for an order of his reinstatement.

On these facts, his writ petition is liable to be dismissed for the following reasons:- (i) He has an alternative remedy by suit and no special reason exists why the writ jurisdiction should be exercised. (ii) There is a second reason which is a stronger one for refusing to entertain the writ petition. The conduct of the petitioner has been highly undesirable and dishonest and did not bring facts to the notice of the High Court which it was necessary for him to do. Had he merely prayed for quashing of the third charge, the petition as presented would have been alright; whether it would have been entertained by the High Court was a different matter. He, however, made a prayer for reinstatement and concealed from the High Court the fact that two other charges were pending against the petitioner, there could, therefore, be no order for his reinstatement. He clearly cheated the Court and wanted to obtain orders for his reinstatement by not bringing to the notice of the Court the fact that there were two other charges against him.

The conduct of the petitioner appeared in a much worse light when a further fact was taken into account, viz., that on the basis of one of those two charges the order of dismissal of the petitioner was passed on February 9, 1958. The first writ petition was presented by him in High Court on March 4, 1958. He still kept his request for an order of reinstatement and did not inform the Court that an order of his dismissal was passed on February 9, 1953.

The writ petition having not been filed until the order of dismissal was passed, the petitioner should have mentioned that order of dismissal before making a prayer that the High Court should direct the Department to reinstate him.

(4) In fructuous or meaningless writ:

The High Court, in the exercise of its discretionary power, can dismiss a writ petition on the ground that the writ is not likely to serve any real purpose in the circumstances of the case.

(5) Questions of fact:

The High Court in the writ proceedings does not embark on an investigation of disputed facts.