

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4380 of 2015

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Renu Singh W/o Nawal Kishore Prasad, resident of Vill.- Parmanandpur, P.O.-
Katuana, District - Nalanda.

.... Petitioner/s

Versus

1. The Government of State of Bihar through the Principal Secretary, Department of Education, Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Department of Education, Bihar, Patna.
3. The Director, Primary Education, Department of Education, Bihar, Patna.
4. The District Education Officer, Patna, Patna.
5. The District Programme Officer (Establishment), Patna, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Respondent/s : Mr. GP4- UMA SHANKAR

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 03-04-2015

A K Tripathi, J.

Continuance on a public post may be a matter of right but not on the sweet will and convenience of a citizen.

2. The admitted position in the present case is that the petitioner went missing from her job in the year 1999 without any leave or information to the authority. The reason stated in the writ is said to be an accident, which prevented her from joining and required long hospitalization. There is no proof of the above fact having been brought to the notice of the employer i.e. the State.

3. It is also her case that she tried to give her joining on 15.12.2003 but respondents did not respond to it and she was not permitted to join. From 2003 she was awaiting a decision from the respondents and now has decided to approach the High Court.

4. In the opinion of the Court, the conduct of the petitioner comes in the way of giving her any kind of relief because for all practical purposes, it amounts to voluntary abandonment of service by the petitioner and she has also failed to assert her right at an appropriate time when cause of action arose. Such stale kind of belated claims after a decade and a half are not required to be entertained. The Court refuses to exercise its discretion in the given facts.

5. Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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