

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1354 of 2014

IN

Civil Writ Jurisdiction Case No. 11006 of 2011

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Deepak Kumar Singh, Son of Sri Vijay Kumar Singh, Resident of Village-Nagraon,
P.S.-Charpokhari, District-Bhojpur.

.... Respondent/Appellant

Versus

1. The State of Bihar
 2. Director, Primary Education, Bihar, Patna.
 3. Director Panchayat Rajya Ayog, Bihar, Patna.
 4. The District Magistrate, Bhojpur (Ara)
 5. The District Superintendent of Education, Bhojpur, Ara.
 6. The B.D.O., Charpokhari, District-Bhojpur.
 7. The Block Education Officer, Charpokhari, District-Bhojpur.
 8. Appellate Authority, Teacher's Appointment, Ara through its Secretary.
 9. Panchayat Sachiv Gram Panchayat- Thakuri, Block Charpokhari, P.O.-
Charpokhari, District-Bhojpur.
 10. Mukhiya Gram Panchayat, Thakuri Block - Charpokhari, P.O.-Charpokhari,
District-Bhojpur.
- Respondents—Respondents 1st Set.
11. Chandeshwar Singh, Son of Laxman Singh, Resident of Village-Ibrahimpur,
P.O.-Piro, District-Bhojpur.

.... Writ Petitioner/Respondent 2nd Set.

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Appearance :

For the Appellant : Shri Radha Mohan Pandey, Adv.
Shri C.S. Verma, Adv.
Shri Sanjiv Kr. Singh, Adv.

For the Respondents : Shri Anshuman Singh, GP-24
Shri Shiv Pd. Gupta, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 16-01-2015

The case is filed with a prayer to condone the
delay of 3 years, 1 month and 24 days in preferring Letters
Patent Appeal.

In the petition, it is stated that petitioner has

been pursuing remedies in a different set of proceedings i.e. C.W.J.C. No.19552 of 2013 and L.P.A. No.645 of 2014, and only during the course of those proceedings the necessity was felt to prefer an Appeal against the order passed in C.W.J.C. No.11006 of 2011.

No counter affidavit has been filed by the respondents.

No doubt, there is enormous delay being 3 years, 1 month. However, the petitioner has been pursuing remedies in other proceedings, we are satisfied with the reasons. The delay occurred in preferring the Letters Patent Appeal is condoned.

Letters Patent Appeal No.1354 of 2014

The 11th respondent herein filed C.W.J.C. No.11006 of 2011 with a prayer to direct the respondents therein to comply with the order passed by the District Teachers Appellate Authority, Bhojpur on 7th December, 2010.

Learned single Judge of this Court took note of the fact that the appellate authority passed an order and, so long it is in force, it deserves to be implemented. Barring that, no other adjudication was undertaken. This Letters Patent Appeal is filed against the said order.

Heard Shri Radha Mohan Pandey, learned counsel for the appellant, and Shri Anshuman Singh, learned counsel for the respondents.

No adjudication of rights as such has taken place in the writ petition referred to above. Simply a direction was given to the effect that the order passed by the appellate authority be implemented. If the petitioner is aggrieved by the order of the appellate authority, he is to pursue remedies separately.

Hence, Letters Patent Appeal is dismissed. It is, however, made clear that implementation of the order of the appellate authority shall be subject to the outcome of the proceedings, if any, wherein the said order is challenged.

Interlocutory application, if any, stands disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(I. A. Ansari, J)

K.C.jha/-
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