

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.176 of 2013

Arising out of

Letters Patent Appeal No. 1640 of 2012

Manoj Kumar Singh, S/o Uma Shankar Singh, R/o Village + Post - Hethua, P.S. -
Rajpur, District - Buxar

.... Appellant- Petitioner

Versus

1. The State of Bihar
2. The Commissioner-cum-Secretary, Human Resources Development Department,
Government of Bihar, Patna
3. The Director, Primary Education, Government of Bihar, Patna
4. The District Magistrate, Buxar
5. The District Superintendent of Education, Buxar
6. The District Education Officer, Buxar
7. The Block Development Officer, Rajpur Block, Buxar
8. The Block Education Extension Officer, Rajpur Block, Buxar
9. Mukhiya, Gram Panchayat Hethua under Rajpur Block, Buxar
10. Ruby Kumari, D/o Sadanand Singh, Sisrar, P.S. Rajpur, Distt. - Buxar
11. Jai Prakash Ram, S/o not known, Sisrar, P.S. Rajpur, Distt. - Buxar
12. Panchayat Secretary, Gram Panchayat Hethua, Rajpur, Distt. - Buxar

.... Respondents - Respondents

Appearance :

- For the Petitioner : Dr. K. N. Singh, Sr. Advocate with
Mr. Kamal Deo Sharma, Advocate
- For the Respondent State : Mr. Vijay Kumar Verma, AC to GA 3
- For the Respondent No. 10 : Mr. Manoj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 29-04-2015

Heard learned counsel for the petitioner,
respondent-State and respondent no. 10.

2. By filing this review petition writ petitioner appellant seeks review of the order dated 22.01.2013 passed in L.P.A. No. 1640 of 2012 whereunder the said appeal was dismissed affirming the order of the Writ Court dismissing C.W.J.C. No. 16098 of 2011 assailing removal of the writ petitioner from the post of Panchayat Teacher as barred by doctrine of laches.

3. Learned counsel for the petitioner submitted that the writ petitioner appellant was not being paid salary from 2008 but removal order was passed by the Mukhiya in 2011 and the application of doctrine of laches to the facts of the case is wholly inappropriate.

4. We regret not to entertain the submission as the payment of salary to the writ petitioner appellant having been stopped in the year 2008 he was required to have approached the Authorities or the Writ Court in the year 2008 but he

approached the Writ Court for payment of salary by filing C.W.J.C. No. 13894 of 2011 and the said petition was withdrawn as not pressed as would appear from the order dated 17.04.2012.

5. In the circumstances, we do not find any merit in the review petition which is dismissed.

6. Before parting with the order, we also take notice of the fact that the writ petitioner appellant earlier approached Teachers Employment Appellate Authority, Buxar against his removal by filing Appeal Case No. 161 of 2010 which was dismissed for default. Later the writ case was filed which has been rightly rejected as barred by doctrine of laches.

(V.N. Sinha, J)

(Ahsanuddin Amanullah, J)

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