

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1382 of 2012

IN

Civil Writ Jurisdiction Case No. 8163 of 2011

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Mathura Nath Singh, son of Late Rajendra Nath Singh, resident of Village
- Ranipur, P.O.- Lagmahaat, P.S.- Kahalgaon, District- Bhagalpur.

.... Appellant

Versus

1. The State of Bihar
2. Principal Secretary-cum-Commissioner, Primary, Secondary and Adult Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Bhagalpur, District- Bhagalpur.
5. The District Superintendent of Education, Bhagalpur, District- Bhagalpur.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra, Advocate

For the Respondent/s : Ms. Neetu Jha (AC to A.A.G. - 6)

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 03-04-2015

Learned counsel for the appellant has preferred this
Intra-Court appeal against dismissal *in limine* of his writ petition
by learned Single Judge on 06.02.2012 passed in C.W.J.C. No.
8163/2011. Learned Single Judge dismissed the writ petition,
refused to exercise his discretion in the matter on the ground of

delay.

We have heard learned counsel for the appellant and learned counsel for the State.

The appellant, who was the writ petitioner, was appointed in the year 1973 as an Assistant Teacher with academic qualification of Intermediate in Arts, and as such, he was getting I.A. trained scale. In 1976, he completed his graduation and thereafter in the year 1978 he completed his post-graduation. The appellant was superannuated on 31.01.2003 and filed the writ petition in the year 2011, claiming B.A. trained scale and scale of Headmaster because of his enhancement of academic qualification, which he had acquired in the years 1976 and 1978.

In view of the facts noted above, we do not think that learned Single Judge was in error in not exercising jurisdiction in the matter. This appeal merits no consideration, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Jitendra Mohan Sharma, J.)

Rajeev/NAFR

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