

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1341 of 2013
IN
Civil Writ Jurisdiction Case No. 6402 of 2010**

=====

Most. Kunti Devi, wife of Late Shyam Kishore Singh, resident of Village -
Mirnagar, P.S. Sarmera, District - Nalanda at Biharsharif

.... Appellant

Versus

1. The State of Bihar.
2. The District Magistrate, Lakhisarai.
3. The District Superintendent of Education Cum District Programme Officer
(Establishment) Lakhisarai.

.... Respondents

=====

Appearance :

For the Appellant : Mr. Ram Vinay Pd. Singh (Sanjay), Advocate.
Mr. Arun Kumar, Advocate
Mr. Bipin Kumar, Advocate.
For the Respondents : Mr. Satyendra Rai, AC to SC-30.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 18-03-2015

I.A. No. 7631 of 2013

This Interlocutory Application is filed with a prayer
to condone the delay of one year and 105 days in filing the
Appeal.

After hearing learned counsel for the Appellant and
on perusal of the application, we are satisfied that the delay is
properly explained and therefore the delay is condoned.

The Interlocutory Application is allowed.

L.P.A. No. 1341 of 2013

The Appeal is preferred against the order dated
15.05.2012 passed by the Learned Single Judge in C.W.J.C. No.

6402 of 2010.

The appellant claims to have been appointed as a Teacher in the year 1976. She filed C.W.J.C. No. 6402 of 2010 complaining that she has not been paid salary from September, 1993 till the date of her retirement i.e. 31.03.2005. The Learned Single Judge dismissed the writ petition on the ground of laches. However she was granted the liberty to approach the concerned authority for claiming the salary which remained unpaid. The appellant is not satisfied with that. Hence, this Appeal.

Heard Sri Ram Vinay Prasad Singh (Sanjay), learned counsel for the Appellant and Sri Satyendra Rai, learned Assistant Counsel to Standing Counsel-30.

On behalf of the Respondent it was pleaded that the very appointment of the appellant is based on a forged appointment letter. Even if the same cannot be treated as true the fact remains that the Appellant was not paid her salary from September, 1993 onwards till the date of her retirement on 31.03.2005. However, it is only in 2010 i.e. 17 years after the so-called grievance she approached this Court. By any standard, the writ petition cannot be maintained as it is hopelessly barred by laches. In all fairness, the Learned Single Judge has in fact shown indulgence by observing that it shall be open to the petitioner to submit a representation. The Appellant cannot expect a better relief than that.

We do not find any basis to interfere with the order under Appeal. The Appeal is dismissed.

The Interlocutory Application, if any, shall stand disposed of. There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

