

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1307 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 20192 of 2010

Along with

Interlocutory Application No.5699 of 2015

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Yugal Kishore Singh, S/o Sri Radha Shyam Singh, R/o Village Mahasi, P.S. Obra,
District Aurangabad.

.... Petitioner- Appellant/s

Versus

1. The State of Bihar.
2. The Primary Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education Department, Govt. of Bihar, Patna.
4. The District Magistrate, Aurangabad.
5. The District Superintendent of Education, Aurangabad.
6. The Block Development Officer, Obra Block, District Aurangabad.
7. The Secretary of Gram Panchayat Bal, P.S. Obra, District Aurangabad.

.... Respondents- Respondent/s

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Appearance :

For the Appellant/s : None

For the Respondent/s : Mr. Harish Kumar- G.P.-8

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 26-09-2016

Re.: Interlocutory Application No.5699 of 2014

The application is for condonation of delay of 2 years and
127 days in filing of the present Letters Patent Appeal.

For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, we condone the delay in filing of the present Letters Patent Appeal.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.1307 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 3rd of February, 2012 whereby, the writ application filed by the appellant challenging the order of District Teachers Employment Appellate Authority (for short, 'the Appellate Authority') dated 14th August, 2010 remained unsuccessful.

The learned Appellate Authority found that the appellant had not acquired the qualification of Intermediate, therefore, he was not granted third extension as Shiksha Mitra in the year 2005 and that the subsequent acquisition of qualification after 40 months from the date of his first engagement will not entitle the appellant for re-engagement. The learned Appellate Authority has, *inter alia*, found that after the 2nd term of the appellant ended, the post was filled up by appointing another incumbent. The appellant has not acquired minimum qualification of Intermediate, therefore, he could not be engaged for the third term.

In view thereof, we do not find that the appellant has any right to challenge the decision of the appellate authority dated 14th August, 2010 as affirmed by the learned Single Bench. He could not acquire basic qualification for appointment even after two extensions; therefore, there was no option but not to re-engage the appellant as Shiksha Mitra. Consequently, the Letters Patent Appeal is dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
Uploading Date	
Transmission Date	