

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2097 of 2016

IN

Civil Writ Jurisdiction Case No. 11285 of 2016

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Madhumita Kumari, daughter of Nageshwar Prasad Yadav, resident of Village-Sitalpur Basti jalal, P.O. Sitalpur Basti Jalal, P.S. Dighwara, District- Saran.

.... Appellant

Versus

1. The State of Bihar through its Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
2. The Director (Primary Education) Education Department, State of Bihar, New Secretariat, Patna.
3. The Secretary, Bihar School Examination Board, Patna.
4. The District Development Commissioner, Saran.

.... Respondents

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Appearance :

For the Appellant	:	Mr. Nalin Kumar, Mr. Dileep Kumar Jha, Advocates.
For the State	:	Mr. Amarendra Kr. AC to AAG 15
For the Board	:	Mr. Lalit Kishore, Sr. Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 01-12-2016

Heard learned counsel for the parties.

2. The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 18th of October, 2016 in CWJC No. 11285 of 2016 whereby the writ application was dismissed on the ground of delay and laches.

3. The appellant appeared in Secondary/Senior Teacher Eligibility Test in the year 2011. The result of the said examination was declared on 14th of June, 2012 wherein the subject group was mentioned as Mathematics and Biology with the result as “qualified”.

4. The grievance of the petitioner is that she never appeared



in the subject Mathematics, and appeared in Chemistry and Biology; therefore, she has not been offered appointment. The fact remains that the result was declared on 14th of June, 2012 but the writ application was filed in the year 2016. Since the appellant raised the grievance after a long delay, we do not find that any grievance can be permitted to be made by the appellant in the writ application filed in 2016 when her result was declared that she has qualified the eligibility test.

6. We believe that after qualifying the eligibility test a candidate has to apply for appointment. There is no assertion that the appellant applied and was not selected because of the mistaken result so declared by the Bihar School Examination Board.

7. In view of the above, we do not find any error in the order passed by the learned Single Bench which may warrant interference by this Court in the present Letters Patent Appeal. The same is dismissed.

(Hemant Gupta, ACJ)

B.T/-

(Vikash Jain, J)

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