

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10051 of 2014

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1. Md. Israil Son of Late Abdul Aziz Resident of village - Darjeeya, Post Office - Bhitha Bhagwanpur, Police Station - Madhepur, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Primary Education, Bihar, Patna
3. The District Education Officer, Madhubani
4. The Head Master, Primary School, Garhiya (Naruar), Block, Jhanjharpur, Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prafull Chandra Jha

For the Respondent/s : Mr. AC to AAG 15

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 21-12-2016

Heard counsel for the petitioner and counsel for the State.

Petitioner was given an appointment letter on the post of an Assistant Teacher way back on 31.1.2012. Copy of the appointment letter is Annexure- 1 to the writ application. Clause (iv) of the said appointment letter clearly indicates that the petitioner should join the concerned school within 15 days by reporting to the Principal of the school in question and information of such joining will be given to one and all, including the District Education Officer.

Petitioner's case is that he did go for joining but it was not accepted by the Headmaster for the reasons extraneous, therefore, he was left with no option but to approach the High Court. The writ



application has been filed on 20.6.2014 i.e. more than two and half years, if not three years, of the letter of appointment having been issued in his favour. There is a long unexplained gap.

The State in the counter affidavit has said that it is a belated effort on the part of the petitioner to claim a position by virtue of an appointment letter, which is an expired document. Petitioner chose not to report to the school in question and authorities within time. What he was doing or what he was up to is not required to be inquired into but there are enough material and circumstances to show that the petitioner was preoccupied with something else which required more priority than reporting and joining on the basis of an appointment letter issued in his favour in terms of Annexure- 1.

Since the time frame is clearly defined in the appointment letter, the expiry of that period makes the appointment letter invalid for all practical purposes and a dead letter cannot be enforced through a writ application.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.12.2016
Transmission Date	NA

