

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1761 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 5640 of 2015**

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Rajesh Kumar Pandey, Son of Bhubnesh Pandey, Resident of village + P.O.-
Bherokhara, P.S.- Tajpur, District- Samastipur.

.... Appellant

Versus

1. The State of Bihar through the District Magistrate, Samastipur.
2. The District Education Officer, Samastipur.
3. The District Programme Officer S.S.A (Sarva Siksha Abhiyan), Samastipur.
4. The Principal, Primary Teachers Training College-cum- District Institution of Education and Training College, Pusa, Samastipur.
5. The Block Education Officer, Tajpur, District- Samastipur.
6. The Block Development Officer, Tajpur, District- Samastipur.

.... Respondents

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Appearance :

For the Appellant : Mr. Siyaram Pandey, Advocate.

For the Respondents : Mr. Mani Madhukar, A.C. to G.A-4

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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: 30-03-2016

I.A. No. 7917 of 2015

The application is for condonation of delay of two days in filing the appeal.

2. For the reasons mentioned in the Interlocutory Application, we are satisfied that the appellant has shown sufficient cause to seek condonation of delay of two days.

3. Consequently, Interlocutory Application No. 7917 of 2015 is allowed and delay of two days in filing the appeal is condoned.

L.P.A. No. 1761 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by

the learned Single Bench of this Court on 10th of July, 2015 in C.W.J.C. No. 5640 of 2015, whereby the writ application filed by the appellant was dismissed.

2. Substantive post of the appellant is that of an Assistant Teacher. The appellant was appointed as Cluster Resources Centre Coordinator without any honorarium or higher pay. He was removed from the said post after having worked for six months or so. Learned Single Bench has found that it is not a substantive appointment to a post which the appellant can claim as a matter of right. It has been found by the learned Single Bench that the selection of the appellant was stop gap arrangement and that now regular selection has been made after due advertisement, therefore, the grievance of the appellant is untenable.

3. The stop gap arrangement, under which the appellant discharged duties as Cluster Resources Centre Coordinator, will not confer any enforceable right to him. The regular selection is not the subject matter of challenge. Therefore, we do not find any error in the order passed by the learned Single Bench which may warrant interference in the present intra court appeal.

4. The Letters Patent Appeal is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P./Anand
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