

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.52 of 2015

Arising out of

Civil Writ Jurisdiction Case No.7485 of 2013

Along with

Interlocutory Application No.222 of 2015

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Kapildeo Sukala, S/o Late Madhu Sukala, Resident of village - Maruabag P.O. -
Mehsi, P.S. Mehsi District - East Champaran at Motihari.

.... Petitioner-Appellant

Versus

1. The State of Bihar through the Principal Secretary Human Resources Development Department, Vikash Bhawan, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna
3. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.

.... Respondents- Respondents

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Appearance :

For the Appellant : Mr. Ajay Kumar Tiwary, Advocate
Mr. Yugal Kishore, Advocate
Mr. Arvind Kumar, Advocate

For the Respondents : Mr. Subodh Kumar, A.C. to G.P.14

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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: 07-04-2016

Re.: Interlocutory Application No.222 of 2015

The application is for condonation of delay of one year
and 56 days in filing of the appeal.

For the reasons mentioned in the application, we find that

sufficient cause is made out for condonation of delay of one year and 56 days in filing of the appeal. Consequently, the delay is condoned.

Interlocutory Application stands disposed of accordingly.

Re.: Letters Patent Appeal No.52 of 2015

The order dated 13th of May, 2013 passed by the learned Single Bench is subject matter of challenge in the present Letters Patent Appeal. The writ petition has been dismissed for the reason that the Director, Primary Education has recorded a finding vide order dated 28th February, 2013 that the appellant was not promoted in the year 1975, therefore, he is not entitled to claim promotion as claimed. The learned Single Bench has also found that the appellant had retired on 31st of January, 1995 and that the appellant cannot be permitted to raise a claim of promotion with effect from 1975 after almost 38 years.

Learned counsel for the appellant refers to an order dated 23rd April, 1986 passed in CWJC No.1780 of 1981 wherein he was ordered to be appointed as Assistant Teacher.

A perusal of the writ petition shows that the appellant was being considered for appointment against Subordinate Education Service cadre post. The name of the appellant was at serial No.22 whereas appointments were made of 16 candidates only. Still further, the appellant has not made any grievance of his appointment as Assistant Teacher from the year 1975. Since there was no grievance,

there was no direction to that effect. Therefore, after superannuation in the year 1995, the appellant cannot be permitted to raise a grievance of higher post since the year 1975.

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.

The Letters Patent Appeal thus stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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