

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.90 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 11847 of 2015
Along with
Interlocutory Application No. 334 of 2016

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Md. Maslehuddin Son of Late Md. Abid Hussain, Resident of Village - Baoroom,
P.S. - Jamalpur, District - Darbhanga.

.... Appellant

Versus

1. The State of Bihar through the Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director (Primary) Education Department, Govt. of Bihar, Patna.
3. The Secretary, Bihar School Examination Board, Patna.
4. The Deputy Secretary, Bihar School Examination Board, Patna.
5. The District Magistrate, Samastipur.
6. The District Education Officer, Samastipur.
7. The District Programme Officer (Establishment), Samastipur.
8. The Block Education Officer, Block, Hasanpur, District - Samastipur.

.... Respondents

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Appearance:

For the Appellant/s : Mr. Alok Kumar, Advocate.
For the Respondent/s : Mr. Vivek Prasad, GP-7.
Mrs. Manisha Singh, AC to GP-7.

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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: 19-11-2016

Re.: I.A. No. 334 of 2016

This application is for condonation of delay of 43 days
in filing the Letters Patent Appeal.

For the reasons mentioned in the Interlocutory
application, we are satisfied that the appellants have shown sufficient
cause to seek condonation of delay of 43 days in filing the present
Letters Patent Appeal.

Consequently, Interlocutory Application No. 334 of 2016 is allowed and delay of 43 days in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 90 of 2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 04th of August, 2015 whereby, the writ application was dismissed with liberty to the appellant to avail alternative statutory remedy of appeal.

The sole argument raised by the learned counsel for the appellant is that this Court should specify which is the appropriate appellate authority.

Once an appeal is maintainable, it is for the appellant to find out which is the appropriate authority to avail the remedy of appeal. This Court does not have any advisory jurisdiction.

Consequently, the present Letters Patent Appeal is dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

Mishra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	22.11.2016
Transmission Date	