

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9309 of 2011

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Kumari Nutan Asthana, wife of Sri Mirtunjay Kumar, Resident of Mohalla - Belisarai, Behind Zila School Hostel P.S. Motihari Town, District - East Champaran

.... Petitioner

Versus

1. The State of Bihar through District Magistrate, East Champaran
2. The Member, District Teacher's Employment Appellate Authority, East Champaran
3. The Panchayat Secretary, Tikauta Gram Panchayat Gobindpur, Pipra Kothi, East Champaran
4. The Mukhiya, Tikauta Gram Panchayat , Gobindpur Pipra Kothi, East Champaran

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon, Adv.

For the Respondent/s : Mr. AC to AAG-11

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 25-02-2016 Heard Sri Dilip Kumar Tondon, learned counsel for the petitioner and learned AC to AAG-11.

The petitioner has approached this Court, invoking its writ jurisdiction under Article 226 of the Constitution of India for quashing of an order dated 31.01.2011 passed by the District Teachers Employment Appellant Authority, East Champaran, by which the complaint filed by the petitioner regarding her selection as Panchayat Teacher was rejected on the ground of limitation.

Learned counsel for the petitioner submits that once the complaint was filed, the authority concerned was required to examine the complaint on merit and decide it. The order, whereby

the complaint was rejected on the ground of limitation, is not sustainable in the eye of law, whereas along with writ petition, no petition has been brought on record to show that the petitioner had ever filed any petition for condoning the delay. Once there was statutory provision to file appeal within thirty days after expiry of the same, without any petition or prayer for condoning delay, such complaint was not required to be entertained.

I do not find any defect in the order of the appellate authority. The writ petition stands dismissed.

(Rakesh Kumar, J)

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