

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.306 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 10852 of 2013**

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Bhanu Ram, S/o Ram Surat Ram, Resident of Village Larma, P.S. Durgawati,
District Kaimur (Bhabua).

.... Appellant

Versus

1. The State of Bihar through the Secretary, Deptt. of Primary and Adult Education, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Kaimur (Bhabua).
3. Regional Deputy Director of Education, Kaimur (Bhabua).
4. District Superintendent of Education, Kaimur (Bhabua).
5. Block Education Extension Officer, Durgawati, Kaimur (Bhabua).
6. Mukhiya, Gram Panchayat Khajura, P.S. Durgawati, District Kaimur (Bhabua).
7. Sindhu Lal, S/o Bachanu Ram, Resident of Village Jamurni, P.S. Durgawati, District Kaimur (Bhabua).
8. District Teachers Employment Appellate Authority, Kaimur at Bhabua through its Member.

.... Respondents

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Appearance :

For the Appellant : Mr. Jitendra Kumar Pandey, Advocate.
For the State : Mr. Sunil Kumar Mandal, S.C. 24
Mr. Bipin Kumar, A.C. to S.C. 24.

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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: 03-05-2016

Re.: I.A. No. 1361 of 2015

The application is for condonation of delay of 80 days in
filing the Letters Patent 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 80 days in filing the present

Letters Patent Appeal.

3. Consequently, Interlocutory Application No. 1361 of 2015 is allowed and delay of 80 days in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 306 of 2015

The order dated 3rd of November, 2014 passed by the learned Single Bench of this Court in C.W.J.C. No. 10852 of 2013 is subject matter of challenge in the present Letters Patent Appeal wherein the writ application filed by the appellant for challenging the order passed by the District Teachers Employment Appellate Authority was dismissed.

2. The appellant was the applicant for the post of Shiksha Mitra. The said post came to be abolished with effect from 1st of July, 2006 after commencement of Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rules, 2006.

3. Learned Single Bench dismissed the writ application for the reason that the order passed by the appellate authority does not suffer from any legal infirmity. It was also found that the post of Shiksha Mitra having been abolished after 1st of July, 2006, the selection or non-selection on such post cannot be reopened.

4. We do not find any illegality or irregularity in the order passed by the learned Single Bench. Non-selection of the appellant

has been examined by the District Teachers Employment Appellate Authority. We do not find any infirmity in the finding recorded therein. Still further, there is no post of Shiksha Mitra in existence after 1st of July, 2006. Therefore, no relief can be granted to the appellant.

5. In view thereof, we do not find any merit in the Letters Patent Appeal, which is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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