

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.779 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 1816 of 2013
Along with
Interlocutory Application No.3249 of 2015

Mostt. Visheshwari Devi, wife of late Lakshmi Narayan Lal Karan, resident of C/o Sri Kali Kant Karan, Patna Satsang, Vihar P.S.- Kankarbagh Colony, Patna - 20.

.... Petitioner-Appellant/s

Versus

1. The Vice Chancellor, Patna University, Patna - 800006.
2. The Registrar, Patna University, Patna - 800006.
3. The Head of the Department, Geology, Patna University, Patna - 800002.
4. The State of Bihar, through its Chief Secretary, Bihar, Patna.
5. The Vijai Prakash Commissioner, Department of Education Government of Bihar, New Secretariat, Patna - 13.

.... Respondents-Respondent/s

Appearance :

For the Appellant : Mr. Bhola Prasad No.-1, Advocate

For the Respondents-Patna University : Ms. Soni Shrivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 01-09-2016

Re.: Interlocutory Application No.3249 of 2015

The application is for condonation of delay of 309 days in filing of the present Letters Patent Appeal.

2. For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, we condone the delay in filing of the present Letters Patent Appeal.

3. Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.779 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 7th of March, 2014 whereby, the writ application filed by the appellant for regularization of services of her husband stands dismissed.

2. The claim of regularization of the husband on the post of Field Assistant of the appellant was declined vide order dated 4th of May, 2000. Subsequently on 15.11.2000, the husband of the appellant was appointed on the post of Routine Clerk with effect from 04.05.2000. The husband of the appellant attained the age of superannuation on 1st of May, 2002 and died on 26th of December, 2012. It is thereafter, the present petition has been filed for regularization of the services of the husband of the appellant on the post of Field Assistant.

3. The learned Single Judge has rightly dismissed the writ application inasmuch as, it was found that claim of regularization of services could not be entertained after superannuation of the services of the husband of the appellant and after his death. It was also found that there was no post of Field Assistant available as per the order dated 4th May 2000, therefore, the services could not be regularized on the post of Field Assistant.

4. We do not find any illegality in the order passed by the learned Single Bench as no post of Field Assistant was available against

which the husband of the appellant could be regularized. Still further, the order of declining of regularization of services of the husband of the appellant was passed on 04.05.2000, whereas the appellant has raised grievance in the year 2013 after the superannuation of her husband and his death.

5. It may be noticed that husband of the appellant did file a writ application which was dismissed for default. Such writ application has not been restored.

6. In view thereof, we do not find any reason to interfere with the order passed by the learned Single Bench. Accordingly, the Letters Patent Appeal is dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
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