

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1037 of 2016
Arising out of
Civil Writ Jurisdiction Case No.99 of 2015**

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Ramrup Yadav, son of late Nirmal Yadav, resident of Village- Sorha, P.S-
Govindpur, District - Nawada.

.... Appellant/s

Versus

1. The State of Bihar through Education Department.
2. The Director, Madhamik Shiksha Bihar, Patna.
3. The Deputy Director, Madhyamik Shiksha Bihar, Patna.
4. The District Magistrate, Nawada, P.S. Nawada, Distt. Nawada,
5. The District Education Officer, Nawada, P.S Nawada, Distt, Nawada.
6. The D. P.O, Nawada, P.S Nawada, Distt Nawada.
7. Parbhari, Project Kanya Uchha Vidyalaya, Govindpur, Nawada, P.S-
Govindpur, District- Nawada.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar Tiwari, Advocate

For the Respondent/s : Mr. Rewati Kant Raman, AC to SC-11

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

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HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 18-11-2016

The challenge in the present Letters Patent Appeal is to an order dated 8th April, 2016, passed by the learned single Judge of this Court whereby, the writ application was dismissed for the reasons that it has been filed after five years.

2. The appellant invoked the writ jurisdiction of this Court to recognize his services as teacher at Project Girls Inter School, Govindpur, Nawada, by issuing fresh order and incorporating his name and also to pay his salary. Such claim of the appellant was declined by the Director, Primary Education, on 7th May, 2010, (Annexure-8) not only in respect of the appellant but also in respect of seven other teachers. The appellant did not dispute the said order for a period of more than five

years. It was only in the year 2015, he filed the writ application, which has been dismissed by the learned single Judge.

3. Learned counsel for the appellant vehemently argued that the appellant has continuously worked in the school, therefore, there could not be any delay and laches in approaching the Court.

4. We do not find any merit in the argument raised by the learned counsel for the appellant.

5. The claim of the appellant is for recognition of his services in the State Government. Such request was declined specifically by the competent authority on 7th May, 2010. Thereafter, the appellant has continued to work but not as a government servant. The appellant should have challenged the order within a reasonable time of the order having been passed.

6. Since the appellant did not challenge the order for a long time, the learned single Judge was justified in not entertaining the writ application.

7. We do not find any merit in this Letters Patent Appeal. It is, thus, dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

JA/-

AFR/NAFR	NAFR
CAV DATE	N/A
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