

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.385 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 1639 of 2011
Along with
Interlocutory Application No.1801 of 2015

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Sukesh Paswan, son of Sri Kapildeo Paswan, resident of village Milki, P.S. Tishauta, District Vaisali.

.... –Petitioner-Appellant

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar , Patna.
2. The District Education Appellate Authority, Vaishali at Hajipur.
3. The District Education Officer, Vaishali, Hajipur.
4. The Block Development Officer, Jandaha, Vaishali, Hajipur.
5. The Block Education Extension Officer, Jandaha, Vaishali.
6. The Gram Panchayat Raj Adalpur through its Secretary, Tishauta, District- Vaishali.
7. The Secretary, Gram Panchayat Raj Adalpur, P.S.- Tishauta, District Vaishali.
8. The Head Master, Primary School, Misraulia, P.S. Jandaha District Vaishali.

.... Respondents-Respondents

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Appearance :

For the Appellant : None
For the Respondents : None

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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: 11-05-2016

None has put in appearance on behalf of the appellant. Even yesterday, none had put in appearance for the appellants.

Re.: Interlocutory Application No.1801 of 2015

The application is for condonation of delay of 2 years and

175 days in filing of the present appeal.

Though none is present nor any sufficient cause is disclosed to condone delay but in the interest of justice, we have examined the claim of the appellant on merits.

Interlocutory Application stands disposed of accordingly.

Re.: Letters Patent Appeal No.385 of 2015

The present appeal is directed against an order passed by the learned Single Bench of this Court on 7th May, 2012 in CWJC No.1639 of 2011 wherein the appellant has sought a direction to the Headmaster to allow the appellant to sign the teachers attendance register.

A perusal of the order passed by the learned Single Bench shows that the appellant is not being permitted to mark his attendance since March, 2005 as he was found absent since then. Such fact is noticed in the school visit by the Block Development Officer on 30th August, 2006 when he found that the appellant has not been attending his duties since the last one year.

In view of the fact that the appellant is absent from duty, there cannot be any direction to the respondents to permit the appellant to mark his attendance.

In view thereof, we do not find any error in the order passed by the learned Single Bench which may warrant interference in the present intra court appeal. The Letters Patent Appeal, thus, stands,

dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
CAV DATE	N. A.
Uploading Date	13.05.2016
Transmission Date	