

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.616 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 3595 of 2014

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Kumari Kanchan Mala D/O Nand Kishore Yadav, resident of Village- Bangama,
P.O.- Virbadih, P.S.- Belhar, Distt.- Banka

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary Education Department, Govt. of Bihar, Patna
3. The District Magistrate, Banka
4. The District Education Project Officer, Banka, District- Banka.
5. The Block Development Officer, Belhar, District- Banka
6. The Panchayat Secretary, Telia Kumri, Block- Belhar, District- Banka
7. The Mukhia, Gram Panchayat Telia Kumri, Block- Belhar, District- Banka

.... Respondent/s

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Appearance :

For the Appellant/s : Dr. Sashi S. Kishore, with
Mr. Abhay Krishna, Advocates

For the Respondent/s : Mr. S.Raza Ahmad, AAG-5 with
Mr. Vishwambhar Prasad, AC to AAG-5

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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: 16-09-2016

The challenge in the present Letters Patent Appeal is to
an order passed by the learned Single Bench on 17.02.2014 whereby
the writ application seeking appointment as Panchayat Teacher was

dismissed on the ground of delay and laches.

The appellant claims to be appointed by letter dated 12.11.2010. The stand of the appellant was that her joining was not accepted, therefore, she submitted representation to allow her to join the post against which, she has been appointed. The representation was found to be sent on 06.12.2013 i.e., after three years. Therefore, the learned Single Bench found the writ petition is suffering from delay and laches.

In the present Letters Patent Appeal, a counter affidavit has been filed wherein it is asserted that the appellant never applied for appointment in the concerned Selection Committee and never appeared before the Committee for counselling. The appointment letter attached with the writ application is forged and fabricated. The signature of Panchayat Secretary on the appointment letter is not a genuine signature. Such counter affidavit was filed on 11.05.2015. The appellant has not filed any rejoinder affidavit in last more than one year.

In view of the averments made in the counter affidavit, the entire claim of the appellant is based upon falsehood. She was not a candidate as she never applied for the post; she never appeared for counselling and in fact relies upon a forged appointment letter. Such conduct of the appellant not only disentitles her for appointment but

warrants imposition of cost having approached this Court with forged and fabricated document.

The appeal is dismissed with cost of Rs. 10,000/- which shall be deposited with the Patna High Court Legal Services Committee with one month.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P. Kumar/Anjani

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