

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5926 of 2013

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Mukesh Kumar Jha Son Of Sri Rudranand Jha Resident Of Village
Gadhpura, P.S. Gadhpura, Distt. Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Begusarai
3. The Deputy Development Commissioner, Begusarai
4. The District Superintendent Of Education, Begusarai
5. The Panchayat Shikshak Distt. Officer, Begusarai
6. The Land Acquisition Officer, Begusarai
7. The District Education Officer Begusarai
8. Sri Prabhat Kumar Sinha, Pradhikar- Ii Saddsayd Distt. Sikchhak Niyojan
Appeliya Pradhikar, Begusarai
9. The District Officer, Begusarai Collectariate Begusarai, Distt.
Development Branch
10. The Regional Education Officer, Charia Bariyarpur Under The Distt.
Begusarai
11. The Block Development Officer, Gadhpura Under The District
Begusarai
12. The Regional Education Extension Officer, Gadhpura
13. The Panchayat Sachiv-Cum-Panchayat Sevak Of Mauji Hari Singh
Gram Panchayat Under Gadhpura Block Distt. Begusarai
14. Arbind Kumar, Mukhiya Gram Panchayat Raj Mauji Hari Singh,
Resident Of Village And Post Sital Rampur, P.S. Gadhpura, Distt.
Begusarai
15. Birendra Kumar Tanti, Panchayat Sammittees Sadasaya, Son Of
Ganeshi Tanti Resident Of Mauji Hari Singh, P.S. Gadhpura, Distt.
Begusarai
16. Bhola Mukhiya, Parbekchhak, High School Kumarnshow, P.S.
Gadhpura, Distt. Begusarai
17. Pinki Kumari, Ward Sadashya, Ward No. 9 As Mauji Hari Singh Gram
Panchayat, Block Gadhpura, P.S. Gadhpura, Distt. Begusarai
18. Prabhat Kumar Jha Son Of Sri Pramanand Jha Resident Of Village And
Post Kumarshown, P.S. Gadhpura, Distt. Begusarai

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Binod Kumar Ambastha, Adv.
For the Respondent/s : Mr. Manoj Kumar, A.c. to S.C.-13

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

- 3 25-02-2016 1. Heard learned counsel for the petitioner and learned counsel for the State.
2. In this case, the petitioner is claiming that though he has highest marks could not be selected as Panchayat Teacher and the private respondents have wrongly been selected on the said post.
3. It is a matter of first phase appointment with respect to Mauji Kari Singh Gram Panchayat, there the petitioner has also applied for the post of Panchayat Teacher along with others. After selection was made, complaint was filed to the District Magistrate, Begusarai, about gross illegalities committed during the selection. The District Magistrate, Begusarai, has authorized the Regional Education Officer, Cheria Bariyarpur, to look into the matter. After inquiry, he has reported that there is no illegality committed in the selection and later on, another Committee was constituted, consisting of Land Acquisition Officer, Begusarai, who has reported that bungling at large scale has been done in the selection and recommended for the cancellation of the appointment, whereupon the District Magistrate, Begusarai, directed the Block Development Officer, Gadhpura, to institute an FIR and cancel the

appointment. Thereafter, a committee of D.D.C. was constituted, who after inquiry found that out of 31 persons 21 persons were found to be illegally appointed and 10 persons were found to be legally appointed. It is also found that out of 21 persons 2 persons have left the service as their appointment itself was found fake and fabricated one.

4. It appears that those who could not be appointed, including the respondent No.18-Prabhat Kumar Jha, approached the Tribunal by filing Case No.332 of 2009. The Tribunal, after making inquiry and hearing the parties did not find any illegality in the appointment of the respondent No.18 and directed for taking him in service.

5. The order was passed on 20.04.2010. The petitioner has neither approached the Tribunal nor before any authority/forum against the aforesaid order, raising grievance that he was wrongly deprived of the selection to the post of Panchayat Teacher. After lapse of so many years, he is approaching to this Court for redressal of his grievance. It is well known principle that the party who aggrieved, must approach to the Court without unnecessary delay. In the present case, there is a delay of about 8 years and that too without any valid explanation. It is very difficult to grant relief

to persons, who are slumbering and not approaching the Court in right time.

6. In such view of the matter, this Court does not find any merit in the present petition. Hence, this petition is dismissed on the ground of delay and latches.

(Shivaji Pandey, J)

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