

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1407 of 2014

IN

Civil Writ Jurisdiction Case No. 19895 of 2012

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Sri Braj Kishore Prasad Singh Son of Late Bikko Singh Resident of
Village and P.O.- Ballipur, P.S.- Pipariya, District - Lakhisarai, Bihar

.... Appellant

Versus

1. The State of Bihar
2. The Director, Secondary Education, Govt. of Bihar, Patna
3. The District Magistrate, Lakhisarai
4. The Regional Deputy Director of Education, Bhagalpur Division,
Bhagalpur.
5. The District Education Officer, Bhagalpur.
6. The Principal, Pratappur High School, Munger.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Bipin Bihari Singh, Advocate

For the Respondent/s : Mr. Mayank Rukhaiyar, AC to GA-1

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 13-01-2016

The delay in filing the appeal is condoned.

Heard learned counsel for the appellant and
learned counsel for the State, and with their consent, heard
the appeal on merits.

Having considered the matter and heard
learned counsel for the appellant, we are not inclined to
interfere. The learned Single Judge has clearly noted that
while claiming the relief for payment of salary for certain

periods in the writ petition, the writ petitioner/appellant did not mention that for the said relief he had raised a claim before the departmental authorities and finding the claim to be fictitious, a departmental proceeding had been initiated, in which, it was found that the claim was based upon forged documents and writ petitioner/appellant was not entitled to those payments. Those relevant and major facts were not pleaded in the writ petition. It was brought on record in the counter affidavit. The learned Single Judge, therefore, refused to interfere in the matter.

We see no reason to take a different view in the matter. This appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

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