

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.66 of 2014

In

Civil Writ Jurisdiction Case No. 4755 of 2011

Pratibha Kumari, Wife Of Pravin Kumar Pankaj, Resident Of Village And
Post Office- Thatha, Block And Police Station- Mansi, District- Khagaria

.... Appellant

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources
Development Department, Government Of Bihar, Patna
2. The District Magistrate, Khagaria
3. The District Superintendent Of Education, Khagaria
4. The District Teacher Appointment Appellant Tribunal, District-
Khagaria, Through Its Chairman
5. The Block Development Officer, Block- Mansi, Police Station- Mansi,
District- Khagaria
6. The Block Education Officer, Block- Mansi, Police Station- Mansi,
District- Khagaria
7. The Mukhiya Gram Panchayat Raj, Thatha (East), Block And Police
Station- Mansi, District- Khagaria
8. The Panchayat Secretary, Gram Panchayat Thatha (East), Block And
Police Station- Mansi, District- Khagaria
9. Rani Bibha Shree Daughter Of Maheshwar Prasad The Panchayat
Teacher, Primary School Paswan Tola, Nautolia, Under Gram Panchayat
Raj, Thatha East, Block And Police Station- Mansi, District- Khagaria

.... Respondents

Appearance :

For the Appellant : Mr. Ashok Kumar Mishra
Mr. Rishit Deo Singh

For the State : Mr. Ajay Bihari Sinha, SC 19

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN

AMANULLAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

4 30-03-2016

The present Letters Patent Appeal is directed against an
order dated 20th November, 2013 passed by a learned Single Judge
of this Court, whereby the writ application filed by the appellant
was dismissed primarily on the ground of delay and laches in

invoking the jurisdiction of this Court in respect of her grievance raised after three and-a-half years of the selection of Panchayat Teachers.

The process of selection of Panchayat Teachers was initiated in the year 2006. The appellant and respondent no.9 Rani Bibha Shree belonging to the same category were selected. However, respondent no. 9 was appointed as per the provisions of contained in the Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rules, 2006. The name of the appellant appeared at Sl. No. 15, whereas that of respondent no. 9 appeared at Sl. No. 38. It has been brought to our notice that respondent no. 9 was appointed as the petitioner failed to respond to the notice of her joining. The grievance of the appellant is that she was not informed of her selection, whereas respondent no. 9 was appointed on 7.4.2007 and, therefore, she raised a grievance before the District Teachers' Appointment Appellate Authority, Khagaria, in the year 2010. It is the said appeal which was rejected by the Authority vide order dated 29.01.2011 and challenge to the said order was made before the learned Single Judge by filing CWJC No. 4755 of 2011.

The learned Single Judge has found that the appellant has made a grievance after three and-a-half years of the selection.

In the absence of any explanation, the petitioner cannot be permitted to dispute the selection of respondent no. 9.

We do not find any error in the findings recorded by the learned Single Judge on account of delay on the part of the appellant in making grievance regarding her non-selection after three and-a-half years.

In that view of the matter, we do not find any merit in this appeal. The appeal is accordingly dismissed.

(Hemant Gupta, J)

mrl

(Ahsanuddin Amanullah, J)

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