

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.470 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 9896 of 2013**

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Raushan Khatoon, Wife of Jaffar Imam, resident of Bela Panchayat, P.S.-
Ramgarhwa, District- East Champaran.

.... Appellant

Versus

1. The State of Bihar through the Collector, East Champaran, Motihari.
2. The Deputy Development Commissioner, East Champaran, Motihar.
3. The Director, District Rural Development Authority, Bihar, Patna.
4. The Block Development Officer, Ramgarhwa Block, West Champaran.
5. The Programme Officer, District Rural Development Authority, Ramgarhwa, East Champaran.
6. The Executive Engineer, District Rural Development Authority, East Champaran, Motihari.
7. The Junior Engineer, District Rural Development Authority, Ramgarhwa, East Champaran.
8. The Panchayat Rojgar Sewak, Gram Panchayat Raj, Bela, Ramgarhwa, East Champaran.

.... Respondents

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Appearance :

For the Appellant : Mr. Dilip Kumar Tondon, Advocate.

For the Respondents : Mr. Biresh Kumar Sinha, A.C. to A.A.G. 2

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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: 17-05-2016

Re.: I.A. No. 2143 of 2015

The application is for condonation of delay of 43 days in
filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory
Application, we are satisfied that the appellant has shown sufficient
cause to seek condonation of delay of 43 days in filing the present

Letters Patent Appeal.

3. Consequently, Interlocutory Application No. 2143 of 2015 is allowed and delay of 43 days in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 470 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 11th of November, 2014 in C.W.J.C. No. 9896 of 2013, whereby claim of the appellant for payment of the work done i.e. excavation of pond including construction of bank of pond was declined.

2. The learned Single Bench found that the appellant was *Mukhiya* and as *Mukhiya* has taken work of National Rural Employment Guarantee Scheme. It was found that respondents cannot be directed for payment to the appellant as she being an ex-*Mukhiya* cannot appropriate the work to herself.

3. We do not find any illegality in the order passed by the learned Single Bench.

4. The appellant as a person responsible for the works in the village cannot allocate the work to herself and seek payment for the same. Apart from the said fact, claim of the appellant is simplicitor for money and such claim for money cannot be raised before the writ Court.

5. We do not find any error in the order passed by the learned Single Bench which warrants interference in the present Letters Patent Appeal.

6. The Letters Patent Appeal is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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