

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.336 of 2015**  
**Arising out of**  
**Civil Writ Jurisdiction Case No. 15329 of 2012**  
**Along with**  
**Interlocutory Application No.1553 of 2015**

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Baijayanti Kumari @ Baijayanti Devi, wife of Sri Om Prakash Das, resident of village - Chhihattar under Panchayat Raj, Kitta Chauhattar (East), Maner, Police Station - Maner, District – Patna.

.... Intervener- Appellant

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, New Secretariat, Bihar, Patna.
3. The District Superintendent of Education, Patna.
4. The Block Development officer, Maner, Patna.
5. The Block Education Extension Officer, Maner, Patna.
6. The Mukiya Gram Panchayat Raj, Kita Chauhattar Purvi, Maner, Patna.
7. The Panchayat Secretary, Gram Panchayat Raj, Kita Chauhattar Purvi, Maner, Patna.

... .. Respondents/ Respondents

8. Subhendra Narayan Prasad, Son of Shri Deo Narayan Ram, resident of village - Chhihattar, P.O. Chhihattar, P.S. Maner, District – Patna.

.... Petitioner- Respondent

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**Appearance :**

For the Appellant/s : Mr. Anil Kumar, Advocate

For the Respondent/s : Mr. Raju Giri, G.P.30

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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: 04-05-2016**

Re.: Interlocutory Application No.1553 of 2015

The application is for condonation of delay of 27 days in filing of the appeal.

For the reasons mentioned in the application and explained by the learned counsel for the appellant, we find that sufficient cause is

made out for condonation of delay. Consequently, the delay of 27 days in filing of the appeal is condoned.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.336 of 2015

The appellant is aggrieved by the order passed by the learned Single Bench of this Court on 23<sup>rd</sup> June, 2014 whereby the writ applicant is held to be entitled for payment of the arrears of salary for the period during which he has actually worked as Panchayat Teacher.

The appellant had filed an intervention application to oppose the prayer of the writ applicant for payment of salary. Learned Single Bench has noticed that admittedly, the writ applicant was Panchayat Teacher and, therefore, he is entitled for the salary for the period he discharged his duties.

The appellant claims to be an applicant for appointment to the post of Panchayat Teacher, but that fact alone will not give any right to oppose the prayer of the writ applicant for payment of salary. Even if a vigilance case has been lodged at the instance of the appellant against the writ applicant that will not give any right to the appellant to intervene and oppose the prayer for payment of salary for the period the writ applicant was Panchayat Teacher.

The present Letters Patent Appeal against the claim of the writ applicant for payment of salary is wholly misconceived directed by

an unsuccessful candidate. Thus the same is dismissed.

**(Hemant Gupta, J.)**

**(Ahsanuddin Amanullah, J.)**

Sunil/-

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