

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

**Letters Patent Appeal No.426 of 2014**

**Arising out of**

**Civil Writ Jurisdiction Case No. 21592 of 2012**

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Geeta Kumari @ Geeta Devi W/O Sri Om Prakash Singh Resident Of Village/  
Mohalla- Ambika Bhawani Colony, P.O- Bhagwan Bazar ( Chapra), P.S- Bhagwan  
Bazar ( Chapra), District- Saran ( Chapra)

.... .... Appellant/s

Versus

1. The State of Bihar through the Secretary, Department Of Welfare, Government of Bihar.
2. The Director Department of Welfare Government of Bihar, Patna.
3. The District Magistrate, Saran.
4. The District Development Commissioner, Saran, Chapra
5. The District Welfare Officer, Chapra, District- Saran Chapra.
6. The Divisional Officer, Chapra Sadar, District- Saran Chapra.
7. The Block Development Officer, Chapra District- Saran.
8. The Child Development Program Officer ( C.D.P.O) District- Saran Chapra.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Raj Kumar Rajesh with  
Mr. Arbind Kumar, Advocates

For the Respondent/s : Mr. Ajay Kumar Sharma, AC to PAAG-1

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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: 02-08-2016**

The order dated 13<sup>th</sup> February, 2014 passed by the learned Single Bench is the subject matter of challenge in the present Letters Patent Appeal. The claim of the appellant was that her application has not been taken into consideration for the reason that the application form sent through Registered post was not received before the cutoff date and time.



An advertisement (Annexure-1) was published inviting applications for the post of Lady Supervisor in the Collectorate, Chapra. The candidates were required to apply Online for which the last date was 31.01.2012 upto 5:00 P.M. The other mode was through Registered post which should be received upto 5:00 P.M. on 02.02.2012. The applications were required to be sent by both the modes.

The assertion of the appellant is that she applied in response to the advertisement but her name was not included in the merit list, therefore, she invoked the writ jurisdiction of this Court. In the writ application, there is no averment that the appellant applied through Registered post on 23.01.2012 i.e., well before the last date fixed. Such averment is made only in the supplementary affidavit.

We have heard learned counsel for the parties and find that no cause is made out for interference at this stage.

The advertisement contemplates two modes of submitting applications, one through Online and another through Registered post. The applications were required to be sent by both the modes. The appellant has not averred at the first instance that when the application was sent by the appellant. In the supplementary affidavit, the assertion of the appellant was that she has submitted the application through registered post on 23.01.2012 but whether it was

sent through postal receipt attached with the affidavit is not mentioned. It is not possible for us to hold that the receipt of the Postal Department pertains to the application form sent by the appellant alone. Firstly, in the very first instance, no such assertion in made in the writ petition and even in the supplementary affidavit, it is not averred that the application form was sent through postal receipt attached with the affidavit.

In view thereof, we do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal.

The Letters Patent Appeal is, accordingly, dismissed

**(Hemant Gupta, J)**

**(Ahsanuddin Amanullah, J)**

Anjani/P.Kumar

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| AFR/NAFR          | NAFR       |
| CAV DATE          | N/A        |
| Uploading Date    | 05.08.2016 |
| Transmission Date | N/A        |