

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1590 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 2047 of 2015
Along with
Interlocutory Application No. 7237 of 2015**

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Udai Kumar Son of Badri Narain Yadav, resident of village- Itahari P.S. Salakhua District Saharsa.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Dept. Govt. of Bihar, Patna.
3. The Director Primary Education Govt of Bihar Patna.
4. The District Programme Officer (Establishment) Saharsa District- Saharsa.
5. The Mukhiya Gram Panchayat Sahuria Block Banma Itahari P.S. Salkhua, District Saharsa.
6. The Panchayat Sachiv Gram Panchayat Sahuria Block Banma Itahari P.S. Salkhua, District- Saharsa.
7. Md. Abu Zafar Son of Md. Usman of Village Tarha, P.O. Sugma P.S. Salkhua, District Saharsa.
8. Narendra Prasad Yadav Son of Deo Narayan Prasad Yadav of village Bahuarwa P.O. Sugma P.S. Salkhua District- Saharsa.
9. Santosh Kumar Yadav Son of Bhupendra Yadav of Village- Banma P.S. Salkhua, District- Saharsa.
10. Jitendra Kumar Son of Ram Charitra Prasad Yadav of Village- Itahari P.S. Salakhua District Saharsa.
11. Chandra Shekhar Poddar Son of Jai Narayan Poddar of village-Pahlam P.O. Paharpur, P.S. Salkhua, District- Saharsa.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr.

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 06-02-2017**

Re: Interlocutory Application No. 7237 of 2015

The application is for condonation of delay of 15 days
in filing of the present Letters Patent Appeal.



For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, we condone the delay in filing of the present Letters Patent Appeal.

Interlocutory Application stands allowed accordingly.

Letters Patent Appeal No. 1590 of 2015:

The challenge in the present Letters Patent Appeal is to an order passed by a learned Single Bench on 05.02.2015 whereby the challenge to the selection as Panchayat Teacher completed on 09.04.2007 was found to be barred on account of delay and laches.

The learned District Appellate Authority, Saharsa by its order dated 15.04.2014 found that the Bihar Panchayat Elementary Teachers (Appointment and Service Conditions) Rules, 2006 contemplates period of 30 days for filing of complaint/grievance to the Authority in respect of selection of the Panchayat Teacher. Though the selection was completed on 07.03.2014, but the grievance was raised almost 7 years later. It is on that account, the appeal was dismissed. The learned Single Bench has not found any reason to interfere in the order passed by the District Appellate Authority.

Keeping in view the limitation of 30 days for filing complaint or raising grievance to the authorities, the filing of



complaint after more than 7 years has rightly been dismissed on account of delay and laches.

We do not find any error in the order passed by the learned Single Bench which may warrant interference in the present intra Court Appeal.

The appeal is thus dismissed.

(Hemant Gupta, ACJ)

S.Pandey/-

(Sudhir Singh, J)

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	

