

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

**Letters Patent Appeal No.1991 of 2015  
Arising out of  
Civil Writ Jurisdiction Case No. 12256 of 2010**

- =====
1. The State of Bihar
  2. The District Teacher Employment Appellate Authority, Purnea
  3. The Secretary to Govt. of Bihar, Department of (Primary and Adult Education), Human Resources Development, Bihar, Patna
  4. The Joint Secretary to Govt. of Bihar Department of Human Resources Development, Bihar, Patna
  5. The Director of Primary Education Department of Human Resources Development, Bihar, Patna
  6. The District Superintendent of Education, Purnea
  7. The Block Education Extension Officer, Sri Nagar, Distt.- Purnea
  8. The Headmaster at Middle School, Krishnapuri, P.S.- Srinagar, Distt.- Purnea

.... .... Appellant/s

Versus

Shravan Kumar, S/o Sri Munar Prasad, R/o- Village- Basgara, P.S.- Srinagar, Distt.- Patna

.... .... Respondent/s

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**Appearance :**

For the Appellant/s :

For the Respondent/s :

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE SUDHIR SINGH**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date: 16-03-2017**

There is a delay of more than four years and 113 days in filing of the Letters Patent Appeal under Clause 10 of the Letters Patent.

The delay is sought to be explained by contending that when the notice of the contempt was received, opinion was sought for and thereafter the appeal was filed.



The aforesaid explanation does not meet the requirements of law. The order was passed on 19.01.2011 and this appeal was filed after a period of more than 4½ years. It is, thus, barred by principle of delay and laches and the explanation given by the department for not filing the Letters Patent Appeal within a reasonable period of time is not a reasonable explanation.

That apart, we find that the learned Writ Court has allowed the writ petition based upon certain judgments rendered in the case of other similarly situated employees and, therefore, we see no reason to interfere into the matter.

The Letters Patent Appeal as well as the Interlocutory Application No. 8816 of 2015 stand dismissed.

**(Rajendra Menon, CJ)**

**(Sudhir Singh, J)**

P.K.P.

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