

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.38 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 12205 of 2015**

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Shamshum Devi @ Shamshum Kumari, Wife of Rajendra Das, Resident of village
- Maya Bigha, P.S. Ghoshi, District - Jehanabad

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Bihar, Patna
2. The District Magistrate, Jehanabad
3. The District Superintendent of Education, (at Present Known as District Programme Coordinator, Surba Shiksha Abhiyan, Jehanabad
4. The Block Education Extension Officer, Jehanabad Block, Jehanabad
5. The Mukhiya, Gram Panchayat Raj Kurre Panchayat, District Jehanabad
6. The Panchayat Secretary, Gram Panchayat Raj Kurre Panchayat, Jehanabad
7. The Headmaster, Rajkiya Primary School, Barki Babhanoura, Post Lakhwara, District - Jehanabad

.... Respondent/s

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Appearance :

For the Appellant : Mr. Bajrangi Lall, Advocate
Mr. Birendra Kumar, Advocate
For the State : Mr. S.D. Yadav, AAG-IX

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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: 20-01-2017

The challenge in the present Letters Patent Appeal is to
an order dated 10th of August, 2015 passed by the learned Single
Bench in C.W.J.C. No.12205 of 2015 whereby, the writ application



was dismissed for the reason that it suffers from delay and laches.

2. The appellant was appointed as a Panchayat Teacher and his services were terminated by the District Magistrate, Jehanabad, on 25th of January, 2008. But the present petition against the order of termination was preferred only in the year 2015.

3. The argument of learned counsel for the appellant is that since similarly situated Panchayat Teachers have been granted relief by this Court in their independent writ applications, therefore, the appellant is entitled to parity with such other similarly situated Panchayat Teachers.

4. We do not find any merit in the argument. The termination of the appellant confers individual cause of action on the appellant. However, she was not aggrieved by the order of termination for seven and a half years. The appellant has woken up from deep slumber only when other similarly situated got relief from this Court. The relief granted in other writ applications does not entitle her to the similar relief or condonation of delay. The appellant has slept over her rights for more than seven years; therefore, the writ application has been rightly dismissed on the ground of delay and laches.



5. Consequently, we do not find any merit in the present Letters Patent Appeal. The same is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
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