

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1541 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 408 of 2014**

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Rekha Kumari, Wife of Binay Kumar Singh, Resident of village- Parsahi, P.O.-
Ekhari, P.S.- Ladania, District- Madhubani.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
3. The Director, I.C.D.S. (Social Welfare Department) Indira Bhawan, Bailey Road, Patna.
4. The Divisional Commissioner, Darbhanga Division, Darbhanga.
5. The District Magistrate, Madhubani.
6. The District Programme Officer, Madhubani.
7. The Child Development Project Officer, Ladania, P.S.- Ladania, District- Madhubani.
8. The Mukhia, Gram Panchayat Raj Ekhari, P.S.- Ladania, District Madhubani.
9. The Panchayat Secretary, Gram Panchayat Raj Ekhari, P.S.- Ladania, District- Madhubani.
10. Palas Kumari, Wife of Singheshwar Singh, Resident of village- Parsahi, P.O.- Sidhap, P.S.- Ladania, District- Madhubani.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Lalit Narayan Jha, Advocate
For the Respondent/s : Mr. S.S.P. Yadav, SC-14

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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: 27-01-2017**

I.A. No.6950 of 2015

The application is for condonation of delay of 126 days
in filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory
Application, we are satisfied that the appellant has shown sufficient



cause to seek condonation of delay in filing the present Letters Patent Appeal.

3. Consequently, Interlocutory Application No. 6950 of 2015 is allowed and delay in filing the Letters Patent Appeal is condoned.

L.P.A. No.1541 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 10th of March, 2015 in C.W.J.C. No.408 of 2014 whereby, the finding recorded by the District Magistrate as well as the Divisional Commissioner was not interfered with.

2. Learned Divisional Commissioner in his order dated 24th of December, 2012 has affirmed the finding of the District Magistrate that husband of the appellant is working on the post of Professor and her father as a Government teacher, therefore, she was ineligible for appointment as Panchayat Teacher.

3. On the other hand, it has been found that the private respondent was the sole applicant and she was appointed by the Gram Sabha on 15.2.2006, but thereafter the proceedings have been changed so as to appoint the present appellant.

4. We find that finding of fact has been recorded by the District Magistrate which stands affirmed by the learned Divisional



Commissioner. Such finding has not been interfered with by the learned Single Bench. A candidate is ineligible for appointment, if her near relations are in Government Service as per the Rules. Therefore, we do not find that any case is made out for taking a different view than what has been taken by the authorities as well as by the learned Single Bench.

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

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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