

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.593 of 2016
IN
Civil Writ Jurisdiction Case No. 7506 of 2011**

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Sheo Shankar Prasad, Son of Late Parmeshwar Prasad, Resident of Village -
Sikandara Purani Chouk, P.S. - Sikandra, District - Jamui.

.... Petitioner- Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department Human Resources, Govt. of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director of Education (R.D.D.E.), Munger Division, District - Munger.
4. The District Magistrate, Jamui.
5. The District Superintendent of Education cum Sub-Divisional Education Officer, Jamui.
6. The Block Education Extension Officer, Block Khaira District - Jamui.
7. The Treasury Officer, Jamui.

.... Respondents- Respondent/s

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Appearance :

For the Appellant/s : Mr. Amir Alam, Advocate

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: 03-05-2017

Re.: Interlocutory Application No.2644 of 2016

The delay in filing of this Appeal is condoned.

Interlocutory Application stands allowed.

Re. : Letters Patent Appeal No.593 of 2016

Seeking exception to an order dated 18.01.2016 passed
by the Writ Court in Civil Writ Jurisdiction Case No.7506 of 2011,
this appeal has been filed under Clause X of the Letters Patent.

Pending an enquiry into certain aspects of the matter and



for verification of the petitioner's conduct, an enquiry was ordered in the year 2004 and pending enquiry, a direction was issued for stoppage of salary to be paid to him in the year 2004 itself. From 2004, the petitioner did not challenge the said action instead kept quite, retired on attaining the age of superannuation in the year 2010 and thereafter in the year 2011 filed the writ petition claiming salary for certain period holding that for a cause of action pertaining to stoppage of salary which accrued in the year 2004, the petitioner having kept quite till his date of superannuation and having challenged the action after such a long period of time, the learned writ Court has refused to interfere into the matter and dismissed the writ petition on account of delay and laches. In doing so, we are of the considered view that the learned Writ Court has not committed any error warranting reconsideration. The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.05.2017
Transmission Date	

