

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.112 of 2017

In
Civil Writ Jurisdiction Case No.10051 of 2014

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Md. Israil Son of Late Abdul Aziz Resident of Village : Darjeeya, Post
Office : Bhitha Bhagwanpur, Police Station : Madhepura, District :
Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Primary Education, Bihar, Patna.
3. The District Education Officer, Madhubani.
4. The Head Master, Primary School, Garhiya (Naruar), Block : Jhanjharpur,
Madhubani.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Prafull Chandra Jha, Adv.
For the Respondent/s : Mr. ASHUTOSH RANJAN PANDEY-AAG15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-12-2017

Seeking exception to an order dated 21.12.2016
passed by the learned Writ Court in C.W.J.C. No.10051 of 2014,
this appeal has been filed under Clause 10 of the Letters Patent.

Petitioner was appointed as a teacher on 31.1.2012. He
was to join within 15 days. It is the case of the petitioner that when



he reported for joining, the Head Master of the institute on extraneous consideration did not permit him to join.

Be that as it may, petitioner kept quiet for two and a half years and filed the writ petition around the period when three years were to be over and the learned Writ Court finding that now on this petition with regard to the issue in question, when third party interest has been created, no further indulgence into the matter can be made.

Even though learned counsel appearing for the petitioner tried to indicate that the petitioner had represented to the District Education Officer immediately and the District Education Officer did not take any action in the matter which compelled him to approach this Court, we are of the considered view that on account of delay and laches on the part of the petitioner in approaching this Court after a period of two and a half years, third party interest has been created, the post has been filled up and further complications would be created if indulgence is made at this stage.

Petitioner having slept over the matter, the learned Writ Court has not committed any error in refusing to exercise its discretionary jurisdiction under Article 226 of the Constitution. The appeal is dismissed.



Petitioner is free to seek indulgence of the administrative authorities, if permissible under law.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

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