

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1478 of 2015

IN

Civil Writ Jurisdiction Case No. 4764 of 2012

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Dhananjay Singh @ Dhananjay Kumar Singh, Son of Shyam Narayan Singh,
Resident of Village- Mora, P.S Bhagwanpur, District Siwan

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Human Resources, New Secretariat, Bihar Patna.
3. The Director, Primary Education, New Secretariat, Bihar, Patna.
4. The District Superintendent of Education, Siwan.
5. The Block Education Officer, Bhagwanpur Hat, District Siwan.
6. Gram Panchayat Raj Mora, Bhagwanpur Hat, Siwan, through its Secretary.
7. The Mukhiya ,Gram Panchayat Raj Mora, Bhagwanpur Hat, Siwan,
8. The Panchayat Secretary, Gram Panchayat Raj MoreaBhagwanpur Hat, Siwan,
9. Dhananjay Kumar Singh, Son of Sheo Pujan Singh, Resident of Village- Mora, P.S. Bhagwanpur Hat, District Siwan.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 11-01-2017

Heard learned counsel for the petitioner on the
limitation petition as well as on merit.

For the reasons indicated in the limitation petition,
the delay of 94 days in filing the appeal is condoned.

I.A. No. 6583 of 2015 is, accordingly, allowed.

The writ application is a discretionary remedy.



Matter relates to appointment on the post of Panchayat Teacher. Litigation arose with regard to said selection and two writ applications were filed before the High Court. Both were taken up and decided on 28.11.2014. After having heard the contesting parties in the writ application and the nature of dispute, the Court came to a considered opinion that with seriously disputed questions of facts, which could not be decided without taking proper oral or documentary evidence, the Court decided not to exercise its discretion under Article 226 of the Constitution of India, which is a summary proceeding.

The difficulty expressed by the learned Single Judge in extending the relief in the controversial circumstances cannot be said to be misplaced. Therefore, the order of the learned Single Judge to that extent cannot be faulted. There is no merit in the appeal. The same is dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Sudha/Rajesh

AFR/NAFR	NAFR
CAV DATE	
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