

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1038 of 2016

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1. Md. Saleem Khan Son of late Abdul Karim Khan Resident Of Village-
Kolowna, Police Station- Gurua, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar
2. The Director (Primary Education), Human Resources Department, Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The District Superintendent Of Education, Gaya, Bihar.
5. The Block Education Officer Block Gurua District- Gaya.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Wasi Ahmad, Advocate

For the Respondent/s : Mr. Shiv Kumar, AC to GA-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 31-07-2017

After his superannuation in 1985 petitioner claimed grant of service benefits for the period of service between 1961 to 1985 and finding that such a stale claim after 5 to 6 decades cannot be permitted, the writ petition in question has been dismissed.

Except for contending that the petitioner has been continuously representing in the matter for grant of service benefits, nothing is indicated as to why writ petition was not filed in time. Repeated representations will not give a cause of action to file a writ petition after such an inordinate delay in view of the law laid down



by the Hon’ble Supreme Court in the case of S.S. Rathore vs. State of Madhya Pradesh, AIR 1990 SC 10.

In view of the principle of law laid down in the case of S.S. Rathore (supra), we are not inclined to make indulgence into the matter.

Finding no merit in the appeal, the same is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	5.8.2017
Transmission Date	N/A

