

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1587 of 2016

In

Civil Writ Jurisdiction Case No.2685 of 2012

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Mamta Kumari W/O Sri Birendra Kumar Singh D/O Sri Ravindra Prasad
Singh R/O Vill- Chhota Sasaram P.S. Udwanthnagar District- Bhojpur (Ara)

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, New secretariat Patna
2. The Director, (Primary and Elementary Education, Human Resources Development Department, Govt. Of Bihar New Secretariat, Patna., Patna, Bihar
3. The District Magistrate, Bhojpur (Ara).
4. The District Programme Officer, (establishment) Bhojpur (Ara).
5. The member, district teacher employment appellate authority Bhojpur (Ara).
6. The Block Education Extension Officer Udwanthnagar Block District Bhojpur (ara).
7. The Mukhiya Gram Panchayat Raj Karisath, Block Udwanthnagar District- Bhojpur (Ara)
8. The Panchayat Secretary Gram Panchayat Raj Karisath Block- Udwanthnagar District- Bhojpur (Ara).
9. Sarda Singh D/O Sri Ramjee Singh R/O Vill- Chhota Sasaram P.S. Udwanthnagar District- Bhojpur (Ara)
10. Prity Tiwary D/O Sri Kedar Nath Tiwary R/O Vill- Bishunpura P.O.- Bampali P.S.- Udwanthnagar District- Bhojpur (Ara).

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Maya Shankar Mishra, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-10-2017

Seeking exception to an order dated 3.10.2012 passed
by the learned Writ Court in C.W.J.C. No.2685 of 2012, this appeal



has been filed under Clause 10 of the Letters Patent by the appellant, who was respondent No.9 in the writ petition.

The matter pertains to appointment of Panchayat Teacher. Apart from the fact that the appointment of the present appellant was found to be unsustainable on account of certain errors and defects in the application form itself submitted by the petitioner, we find that with regard to appointment made in the year 2009 and after orders were passed by the learned Writ Court on 3.10.2012, this appeal has been filed after a delay of more than 2 years and 201 days and in I.A. No.6351/16, the only reason given for condoning the delay is that the applicant was a sick lady and was undergoing some treatment in A.I.I.M.S., New Delhi vide certificate, Exhibit-B, and therefore, there is a delay.

The judgment was passed by the learned Writ Court on 3.10.2012 and the document of treatment produced by the petitioner vide Exhibit-B, is an O.P.D. treatment document dated 5th of June, 2012, i.e. more than five months prior to the decision on the writ petition, and the document only indicates that after a day's visit as an O.P.D. patient on 5th of June, 2012, the petitioner was discharged. Even the documents annexed at page 13 are with regard to certain tests done on a single day i.e. on 18.6.2012.



That being so, the inordinate delay in filing of the appeal has not been properly explained by the petitioner and now in the light of the fact that the selection processes were all conducted in the year 2009 and the respondent has been appointed in the year 2012, more than five years back, we see no reason to make any indulgence into the matter.

The appeal stands dismissed on account of unexplained delay alone.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	15.10.2017
Transmission Date	

