

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.563 of 2014

Arising out of

Civil Writ Jurisdiction Case No.6095 of 2010

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Nurnehar Khatoon, wife of Md. Nazamul Haque Ansari, resident of Village
Brahmain, P.S. Ajam Nagar, District Katihar

... .. Appellant/s

Versus

1. The State of Bihar through the Secretary, Human Resources Development
Department, Bihar, Patna
2. The Collector, District Katihar
3. The Block Development Officer-cum-Appellate Authority, Block Ajam
Nagar, District- Katihar
4. The District Superintendent of Education, District- Katihar
5. The Block Education Extension Officer, Ajam Nagar Block, District-
Katihar
6. The Mukhiya, Gram Panchayat Debgaon, P.S. Ajamnagar, District- Katihar
7. The Panchayat Secretary, Debgaon Grampanchayat, P.S. Ajam Nagar,
District- Katihar
8. The Head Master, Up-graded Middle School, kausal, P.S. Ajam Nagar,
District- Katihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. R.K. Rajan, Advocate

For the Respondent/s : Mr. M. Nasrul Huda Khan, S.C.-1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 30-08-2017

Delay of 24 days in filing of this appeal is condoned.

I.A. No. 2781 of 2014 stands allowed and disposed of.

During the course of hearing of this appeal, appellant
withdrew the grounds raised in the writ petition, did not
challenge the order passed in the writ petition on the grounds
indicated in the order passed by the learned Writ Court in the



impugned order and raised certain new grounds based on the principles of law laid down by the Full Bench of this Court in the case of **Kalpana Rani Vs. The State of Bihar & Ors-2014 (2) PLJR 665.**

The case now canvassed before us based on the aforesaid Full Bench judgment in the case of Kalpana Rani (supra) is a totally new case which was never the case before the Writ Court and, therefore, we are not inclined to go into this aspect of the matter in this appeal. If permissible under law, the appellant may raise the claim either by filing a fresh writ petition or seeking review of the order passed by the Writ Court.

With the aforesaid liberty to the appellant, we dispose of the Letters Patent Appeal.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	05.09.2017
Transmission Date	

