

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.1193 of 2016**

**In**  
**Civil Writ Jurisdiction Case No. 2042 of 2013**

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Md. Irfan, Son of Md. Ayub, resident of Village- Makhanpur, Post office, Narayanpur District Banka, at present Posted as Assistant Teacher, C.N.D. High School Bounsi, District Banka.

.... .... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Secondary Education Department Bihar, Patna.
3. The Regional Education Deputy Director, Munger.
4. The District Education Officer, Lakhisarai.
5. The District Education Officer Banka.
6. The Principal, High School Sadaibigha, Lakhisarai
7. The Principal, C.N.D. High School Bounsi District Banka.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Md. Shamimul Hoda, Advocate

For the Respondent/s : Mr. Sc26-Amar Nath Deo

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR  
UPADHYAY**

**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

3      29-08-2017

In the matter of non-payment of salary to the appellant, who was working as a teacher for the period 23.07.1998 to 25.05.2005, initially, the petitioner filed a writ petition being C.W.J.C. No. 5810 of 2004 and on 21.12.2004, a Bench of this Court directed the Director, Secondary Education, Bihar to consider the claim and pass a final order. The Director, Secondary Education, examined the issue and found that the petitioner did not have valid qualification and, therefore, his claim cannot be accepted and rejected his claim vide order passed on 25.05.2005.



This order was never challenged by the petitioner and it remained unchallenged and claiming the salary for the period aforesaid, the writ petition was filed after a period of more than 8 years, in the year 2013 and the learned Writ Court found that now after such a long period of time, the claim for salary cannot be considered and rejected the claim of the petitioner referring to the case of **Union of India Vs. Tarsen Singh**, reported in **(2008) 8 SCC 648** by holding that if salary was not claimed within a period of three years, the writ petition cannot be entertained. Keeping note of the relief the Writ Court rejected the writ petition.

We see no reason to make any indulgence in the matter. The appeal is dismissed.

**(Rajendra Menon, CJ)**

**(Anil Kumar Upadhyay, J)**

Uday/-

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