

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.390 of 2015
IN
Civil Writ Jurisdiction Case No. 21966 of 2014**

- =====
1. Sanjay Kumar, son of Sri Sita Ram Thakur Bihari, Resident of village- Mojumpur, P.O. Manjhgain, P.S. Sangrampur, District- Munger, presently working as Panchayat Teacher, Navsrijit Primary School, Katoria Urdu, Anchal- Amarpur (South), District- Banka.
 2. Pramila Kumari, daughter of Sri Rajendra Prasad Singh and wife of Sri Dayanand Kumar, resident of village- Mohammadpur, P.O. Bhagalpur, P.S. Tarapur, District - Munger, presently working as Panchayat Teacher, Navsrijit Primary School, Jakanpur (Mandal Tola), Anchal- Amarpur (South), district- Banka.
 3. Parmanand Sharma, son of Late Gobind Sharma, Resident of village- Majampur, P.O. Manjhgain, P.S. Sangrampur, District-Munger, presently working as Panchayat teacher, Navsrijit Primary School, Dhanai, Anchal- Amarpur (south), District- Banka.
 4. Bhavesh Kumar, son of Sri Karoo Lal bhagat, Resident of village- Karsani, P.O. Kathaon, P.S. Rajaun, District- Banka, presently working as Panchayat Teacher, navsrijit Primary School, Kishanpur, Anchal- Amarpur (South), District- Banka.

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The District Teacher Employment Appellate Authority, Banka through the Member, District- Banka.
5. The District Education Officer, Banka, District- Banka.
6. The District Programme Officer (Establishment), Banka.
7. The Block Education Officer, Amarpur, District- Banka.
8. The Mukhiya, Gram Panchayat Raj, Shobhanpur, Block- Amarpur, District- Banka.
9. The Panchayat Secretary, Gram Panchayat Raj, Shobhanpur, Block- Amarpur, District- Banka.
10. Sima Kumari Gupta, daughter of not known to the appellants,
11. Kumari Nishu, daughter of not known to the appellants,
12. Rambha Kumari, daughter of not known to the appellants,
13. Manoj Kumar, son of not known to the appellants,
14. Pappu Kumar, son of not known to the appellants,
15. Arvind Kumar, son of not known to the appellants,
16. Jai Prakash Singh, son of not known to the appellants,
17. Vinay Kumar, son of not known to the appellants,
18. Raj Kumar Panjiyara, son of not known to the appellants, Respondent nos. 10 to 18 through the Members of District Teacher appointment Appellate Authority, Banka, P.O., P.S. and District- Banka.

.... Respondent/s



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Appearance :

For the Appellant/s : Mr. S.B.K. Manglam, Advocate

For the Respondent/s : Mr. Dhurjati Kr Prasad, gp-14

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 24-07-2017

Seeking exception to an order dated 23.1.2015 passed by the learned Writ Court in C.W.J.C. No.21966 of 2014, this appeal has been filed under Clause 10 of the Letters Patent.

In the matter of appointment to the post of Teacher, petitioners' appointment was challenged and the District Teachers Employment Appellate Tribunal in the year 2009 passed an order. Petitioner did not challenge this order, but when a complaint was made that the order passed in the year 2009 is not being implemented, the Government started implementing the order in the year 2014 and when the implementation was going on, the writ petition was filed. The learned Writ Court by holding that the petitioners have not challenged the order passed within a reasonable period, refused to interfere into the matter. Even though learned counsel for the appellants by placing reliance on a judgment rendered by the Hon'ble Supreme Court in the case of **State Of U.P.& Ors vs Arvind Kumar Srivastava & Ors.**, (2015) 1 SCC 347 tried to indicate that in the case of certain other employees the



order passed in the year 2009 has been quashed, but those were the cases where the employees approached the Court in the year 2010 itself. Challenging the order passed in the year 2009 they reaped the benefit. In the case of the petitioners they slept over the matter since 2009 up to a period of five years i.e. up to 2014 and then only woke up challenging the order and the learned Writ Court has dismissed the writ petition on such consideration.

In doing so, we are of the considered view, the learned Writ Court has not committed any error warranting re-consideration.

The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
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