

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1242 of 2016

In

Civil Writ Jurisdiction Case No.11830 of 2010

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1. The State of Bihar.
 2. The District Teacher Employment Appellate Authority, Purnea.
 3. The Secretary to Govt. of Bihar, Department of (Primary and Adult Education) Human Resources Development, Bihar, Patna.
 4. The Joint Secretary to Govt. of Bihar, Department of Human Resources Development, Bihar, Patna.
 5. The Director of Primary Education, Department of Human Resources Development, Bihar, Patna.
 6. The District Superintendent of Education, Purnea.
 7. The Block Education Extension Officer, Sri Nagar, Distt.- Purnea.
 8. The Headmaster at Middle School, Pariahari, Purnea.

... .. Respondents-Appellant/s

Versus

Babita Kumari, D/o- Sri Yogendra Bhagat and W/o- Sri Sunil Malakar, R/o- Village- Fariani, P.S.- Srinagar, District- Purnea.

... .. Petitioner-Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Pankaj, AC to SC No.5

For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-09-2017



Seeking exception to an order passed by the learned Writ Court in the matter of directing reinstatement of a Panchayat Teacher with consequential effect, there is delay of more than five years and 32 days in filing of this appeal under Clause 10 of the Letters Patent.

The Writ Court decided the matter on 23.03.2011 based on certain division benches judgments of this Court and the appeal has been filed as indicated hereinabove after a delay of more than five years and 32 days. The delay is explained in I.A. No.4969 of 2016 by contending that on 23.03.2011 the matter was disposed of and the District Level Committee took a decision for filing the appeal on 14.10.2015 and thereafter the matter was forwarded and the appeal was filed on 20th May, 2016. What was done in the matter between 23.03.2011 up to 14.10.2015 and after 14.10.2015 up to filing of this appeal on 20th May, 2016 is not at all explained in the application for condonation of delay. On the contrary, learned counsel while seeking condonation of delay made much emphasis on certain judgments of this Court which he says have held contrary views. Neither the decisions of the Division Bench nor the particulars of the orders passed taking a contrary view have been indicated in the application. That apart, we are not satisfied



with the inordinate delay and therefore, we reject the application.

The appeal stands consequently dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.09.2017
Transmission Date	

