

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.57 of 2017

In
Civil Writ Jurisdiction Case No.12782 of 2014

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Kalyani, wife of Sri Umeshwar Tiwary, D/o Sri Umesh Pandey, resident of
Sujawalpur, P.O.- Dholi, P.S.- Saker, Distric- Muzaffarpur ... Appellant
Versus

1. The State of Bihar.
 2. The Director, Primary Education, Govt. of Bihar, Patna.
 3. The Regional Deputy Director of Education, Darbhanga Division, Darbhanga.
 4. The District Education Officer, Samastipur ... Respondents
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Appearance :

For the Appellant : Mr. Bipin Bihari Singh, Adv.
For the Respondents : Mr. Ashutosh Ranjan Pandey, AAG XV

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

11 23-03-2018 Delay in filing this appeal stands condoned.

Seeking exception to an order passed by the writ
Court on 19.11.2016 in C.W.J.C. No. 12782 of 2014 this appeal
has been filed under Clause X of the Letters Patent Appeal of
Patna High Court Rules. Petitioner's services were terminated
on 22.08.1986 and right from 1986 up to the year 2014
petitioner slept over the matter, did not raise any challenge to
the termination and it is only after 28 years the termination was
challenged mainly on the ground that in C.W.J.C. No. 4588 of
1987 similarly situated persons have been granted said benefit.

Learned writ Court found that there is a delay of 26
years in filing the appeal and in doing so in our considered view



no error is committed.

Learned counsel for the appellant argues that similarly situated persons termination have been set aside and, therefore, on the ground of parity petitioner is entitled to the said benefit.

On the face of it, this arguments look very attractive, but on a deeper scrutiny of the same, we find that the persons with whom the petitioner is now claiming parity, challenged the termination of 1988 by filing writ petitions immediately within one year, i.e., in 1989, and got relief from this Court. The petitioner chose to keep quiet, did not take any action, permitted the order of termination to attain its finality, slept over for 26 years as a consequence thereof due to the vacancy created after termination of petitioner's service, certain persons have been appointed and vested rights have been created in their favour. It is after all this, in the year 2014, i.e., after 26 years, the petitioner filed the writ petition and the learned Writ Court refused to interfere into the matter. We see no error in the same warranting interference. The petitioner having slept over her right, permitted a situation to be developed whereby rights were created in favour of various persons and now the clock cannot be put back merely because the petitioner



wants to challenge her termination after 26 years.

Accordingly, finding no case for interference this
appeal stands **dismissed**.

(Rajendra Menon, CJ)

(S. Kumar, J)

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