

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.429 of 2017

In
Civil Writ Jurisdiction Case No.1475 of 2015

=====

Shiv Shankar Pandit, Son of Ram Ekbal Pandit, Resident of village - Banpura,
P.O. Banpura, P.S. Rasulpur, District - Saran

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development, New Secretariat, Patna
2. The Director, Programme Officer, Saran at Chapra
3. The District Program Officer, Saran at Chapra
4. The Block Education officer, Ekma, Saran
5. The Block Development officer, Ekma, Saran
6. The Mukhiya, Gram Panchayat Raj Banpura, Ekma, Saran
7. The Panchayat Secretary, Raj Banpura, Ekma, Saran
8. The Head Master, Middle School, Saran

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Dr. Alok Kumar Sinha
For the Respondent/s : Mr. ASHUTOSH RANJAN PANDEY-AAG15

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-01-2018

The appellant was appointed as Shiksha Mitra in the year 2005. He worked for 30 days in 2005. In the year 2005 itself he was not allowed to work.

2. Be that as it may be, from the year 2005 the appellant kept quite and stood satisfied by submitting representations and filed the writ petition only in the year 2015, after more than 10 years, by which time the entire concept of Rules governing the appointment of Shiksha Mitra/Panchayat Teacher has changed in



the State of Bihar and thereafter in view of the Full Bench judgment the issue stood closed.

3. It is the case of the appellant that as he was continuously representing the matter, he was entitled to the relief claimed and on account of delay in approaching the Court, the writ petition should not have be dismissed. This issue has also been decided by the Supreme Court and it has been held that merely by submitting the representation, inordinate delay in approaching the Court cannot be condoned, see the case of **S.S.Rathore Vs. State of Madhya Pradesh: AIR 1990 SC 10.**

4. In the totality of the fact situation, we see no error in the order of the Writ Court warranting reconsideration. The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.01.2018
Transmission Date	

