

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.558 of 2017

In

Civil Writ Jurisdiction Case No. 2393 of 2015

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1. Kishori Kumari, W/o Om Prakash Singh, Resident of Village - Parasiyan, Post - Karmahri, P.S. - Kudhuni, District - Kaimur.

2. Sarita Kumari, W/o Rabindra Kumar Choudhary, Resident of Village - Kalauni, Post - Thakura, P.S. - Ramgarh, District - Kaimur.

.... Appellants

Versus

1. The State of Bihar.

2. The Director, Primary Education H.R.D., Patna, Bihar.

3. The District Education Officer, Kaimur.

4. The District Program Officer (Establishment), District - Kaimur.

5. The Block Development Officer, Ramgarh, District - Kaimur.

6. The Block Education Extension Officer, Ramgarh, District - Kaimur.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Bijay Shankar Choubey

For the Respondent/s : Mr. Ashutosh Ranjan Pandey- Aag15

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

10 13-08-2018

Re: I.A.No. 3848/2018

Heard learned counsel for the parties.

This interlocutory application has been filed under section 5 of the Limitation Act for condoning the delay of 2 years and 11 days in filing the appeal.

It is doubting the Intermediate qualification obtained by the two appellants from Bhartiya Shiksha Parishad, Lucknow that the appointment of these appellants- petitioners as Block Teacher was interfered with leading to filing of the appeal before the



District Teachers Employment Appellate Authority, Kaimur in Appeal No. 14/2014. The appellate authority in consideration of the issue in dispute dismissed the appeal taking note of the fact that the institution Bhartiya Shiksha Parishad, Lucknow was not recognized either by the State or the other statutory authorities which order of the appellate authority was questioned in the writ petition in question from which the present appeal arises.

Arguments advanced on behalf of the appellants-petitioners did not persuade the learned Single Judge leading to dismissal of the writ petition on 9.2.2015 and it is more than two years thereafter that the appeal has been filed which is accompanied with the application to condone the delay.

The plea taken is that it is due to non-communication of the order impugned to the appellants by their counsel, which led to delay which is not deliberate.

Apart from the fact that the explanation for the delay is vague and does not justify a delay of more than two years in approaching the appellate Court, even otherwise bearing note of the reasons assigned by the appellate authority as affirmed by the learned Writ Court with nothing on the pleadings of the appeal which would persuade this Court to uphold the claim of the petitioner as regarding recognition of the institution from which



they have obtained Intermediate qualification, we proceed to reject the limitation petition. Consequently, I.A.No. 3848/2018 is rejected. Accordingly, Letters Patent Appeal is dismissed in limine.

(Jyoti Saran, J)

(Chakradhari Sharan Singh, J)

Archana/ surendra

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