

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1260 of 2017

In
Civil Writ Jurisdiction Case No.2694 of 2011

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Ranju Devi, Wife of Shatrughan Sah, Resident of Village- Harali Sanbarsha,
P.S.- Udakishunganj, District- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar through the Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Superintendent of Education, Madhepura.
5. The District Education Employment Appellate Authority, Mahepura.
6. The Block Development Officer, Udakishunganj.
7. The Block Education Extension Officer, Udakishunganj.
8. The Mukhiya Gram Panchayat, Rampur Khora, Block Udakishunganj, District- Madhepura.
9. The Panchayat Secretary, Gram Panchayat, Rampur Khora, Block Udakishunganj, District Madhepura.
10. The Headmaster, Primary School, Sonbarsha, Block Udakishunganj, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Alok Kumar Singh
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 04-12-2018

Re: I.A. No.6876 of 2018:

Heard learned counsel for the appellant.

The present interlocutory application has been preferred seeking condonation of delay of 5 years and 322 days for filing of the present Letters Patent Appeal.



It appears that CWJC No.2694 of 2011 was dismissed on 19.09.2011. The reasons provided for the purpose of condonation of delay are that the learned counsel for the petitioner-appellant did not communicate this fact and then that the husband of the appellant died on 27.06.2013. It is stated that the petitioner-appellant came to know about the dismissal of her case in the year 2014.

This Letters Patent Appeal has been preferred on 07.09.2017, however, from the narration of facts present in the condonation application we do not find any cogent reason much less sufficient reason explaining the delay of over 5 years and 322 days.

In order to satisfy ourselves we have also gone through the order dated 19.09.2011 passed in CWJC No.2694 of 2011. It is not in dispute and in fact it is the own case of the petitioner-appellant that a letter dated 19.06.2006 was issued by the Block Education Extension Officer, Uda Kishunganj in which he referred the letter no.273 dated 05.04.2006 issued by the District Superintendent of Education, Madhepura whereunder the grounds of defects in the appointment of 9 *Shiksha Mitras* were mentioned and direction was issued not to take work from them and their payments were stopped which included the petitioner-



appellant also. It is, therefore, evident that the petitioner-appellant despite being aware of the letter dated 19.06.2006 and the grounds of defects in her appointment as *Shiksha Mitra* never challenged the same.

In these circumstances when a stand was taken before the learned writ Court that the petitioner-appellant had continued to work after her appointment in June, 2006 till date and also became *Panchayat* Teacher with effect from 01.07.2006 under the 2006 Rules, the learned writ Court found that the said stand was in complete contradiction of the stand of the petitioner-appellant before the Appellate Authority which was that she had been removed from the post on wrong allegation after appointment on 03.06.2005.

The learned writ Court found from the facts appearing on record that wrong appointment of the petitioner-appellant as *Shiksha Mitra* had been rectified on the direction of the District Superintendent of Education by the appointment of those who had more marks and stood higher in the merit list as Backward Class Female candidates for the two posts which were available in the Panchayat and thus there could not be any grievance on the part of the petitioner-appellant on the said ground.

We are satisfied that the order passed by the learned



writ Court does not suffer from any perversity and the petitioner-appellant having failed to satisfy us prima-facie on merit, we do not find it a fit case for condonation of huge delay of 5 years and 322 days. As a result thereof the condonation application fails, consequently the Letters Patent Appeal is dismissed.

(Jyoti Saran, J)

(Rajeev Ranjan Prasad, J)

skpathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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