

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.42 of 2017

In

Civil Writ Jurisdiction Case No. 10285 of 2016

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1. T. B. Control Employee Association, Bihar having its Head Office-C/o Bihar Rajya Arajpatrit Karamchari Mahasangh, Gaya, near S.B.I. Main Branch, Gaya through its State President Md. Jawed Akhter, Son of Md. Jamil Akhter, Resident of Shah Colony, Shahzubair Road, P.S. Kotwali, District Munger.

.... Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Health Department, Govt. of Bihar, Patna
2. The Director-in-Chief, Department of Health, Bihar, Patna.
3. The Director, Health Services, Govt. of Bihar, Patna.
4. The Secretary, Bihar Staff Selection Commission, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Tiwari

For the Respondent/s : Mr. S.D. Yadav- Aag9

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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)

7 30-08-2018

Re: I.A. No. 4070 of 2017

This interlocutory application under section 5 of the Limitation Act is filed for condonation of delay of 165 days in filing the appeal.

We have perused the explanation which is hardly satisfactory for condonation of delay. Apart from the lack of explanation to the delay, another aspect which does not persuade us to grant indulgence is that though an issue of qualification was



a subject matter of consideration before the learned Single Judge in the matter of appointment to the post of Lab Technician conducted by the Staff Selection Commission but instead of individual aggrieved applicant, the Association of non-gazetted employees has tried to raise this issue which is neither sustainable on merits nor can an Association espouse a cause relating to the qualification which has to be tested qua the applicant concerned. In the circumstances noted, neither on the explanation to the delay nor on the merits, is the appeal worth consideration.

In result, Limitation Petition is rejected and consequently, the Letters Patent Appeal is dismissed.

(Jyoti Saran, J)

(Chakradhari Sharan Singh, J)

Archana/Surendra

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