

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.184 of 2018

In
Civil Writ Jurisdiction Case No.10799 of 2012

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Sams Praweiz Alam, Son of Sri Afzalur Rahman Resident of Village-
P.O.Bhadai, P.S. Hapauri, District Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Department Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna
4. The Collector Cum-District Magistrate Muzaffarpur.
5. The Block Development Officer, Aunai District-Muzaffarpur.
6. The Mukhiya, Gram Panchayat Raj Bhadai Block-Aunai District Muzaffarpur.
7. The Panchayat Sewak Gram Panchayat Raj Block Aunai, District Muzaffarpur.
8. Sri Abdul Manan (Father name not Known to the Petitioner) Panchayat Raj Shikakha Mitra Gram Panchayat Raj Bhadai Block Aunai District Muzaffarpur.
9. The District Teachers Employment Appellate Authority Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajendra Kumar Jain, Advocate
For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 07-12-2018

Re: I.A. No. 2657 of 2018

Heard Shri Rajendra Kumar Jain, learned counsel for
the appellant.

2. The appeal is reported to be delayed by 88 days.

3. We have considered the affidavit filed in support of
the delay condonation application and we find that sufficient
cause has been shown to condone the delay in filing the appeal.



The delay is condoned and the appeal shall be treated to be within time.

4. I.A. No. 2657 of 2018 stands allowed accordingly.

Re: L.P.A. No. 184 of 2018

Heard Shri Rajendra Kumar Jain, learned counsel for the appellant.

2. The writ petition that has given rise to this appeal has been dismissed keeping in view the judgment in the case of **Kalpana Rani Vs. The State of Bihar & Ors.**, reported in **2014 (2) PLJR 665**.

3. The said judgment was under appeal before the Apex Court and the same has been upheld but with certain observations. The judgment of the Apex Court in Special Leave to Appeal (C) No. 34639 of 2014 that was heard along with SLP (C) No. 1071 of 2015 (Kalpana Rani's case) is extracted herein under:-

“Heard Mr. Nagendra Rai, learned senior counsel appearing for the petitioner.

We do not find any merit in this special leave petition. It is accordingly dismissed. However, observations made by the Court against the senior counsel, Mr. Y.V. Giri at various parts of the judgment stand deleted. The cost imposed by the High Court is made easy.



Though we have dismissed the special leave petition, yet we observe that if the petitioners are working, as submitted by Mr. Nagendra Rai, learned senior counsel, it is open to them to submit representations to the competent authority for adjustment in any posts that are available.”

4. In view of the aforesaid observation of the Apex Court, the appeal is dismissed subject to the observations made by the Apex Court extracted herein above. The appellant may, therefore, accordingly represent on the said terms before the competent authority and it is expected that the competent authority shall consider it in accordance with law.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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