

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.396 of 2018

In
Civil Writ Jurisdiction Case No.18918 of 2008

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1. The State of Bihar
 2. The Commissioner-cum-Secretary, Human Resources Development Bihar, Patna.
 3. The Director, Secondary Education Bihar, Patna.
 4. The Regional Deputy Director of Education, Bihar, Patna.
 5. Deputy Secretary, Human Resource Development, Bihar, Patna.
 6. The District Education Officer, Gopalganj.

... .. Appellant/s

Versus

1. Sarojini Mishra, Wife of Sri Radha Krishna Mishra R/o Village- Misri Ki Gauri, P.S.-Darauli, District- Gopalganj, at present in Charge of Headmaster Co-operative High School, Ahiyapur in District of Gopalganj.
2. Ram Naresh Prasad, Son of Name not known to the Petitioner Headmaster High School Sanhauila, Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pawan Kumar, A.C. to G.A. 1

For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 17-12-2018 Heard Shri Pawan Kumar, A.C. to G.A.-1 for the
appellant-State of Bihar and its authorities.

This appeal has been filed after an inordinate delay of
7 years and 79 days.

The affidavit filed in support of the delay is not only
unsatisfactory but even this appeal which has been filed is
amply full of defects which have not been removed. Thus, it is a
repeated defect on the part of the State of Bihar which is writ



large on the face of this appeal.

We do not find any plausible explanation for condoning the delay as even otherwise on merits we find that it was a small claim of promotion of the respondent-petitioner which could not be treated to have been waived of. Promotion may not be a fundamental right guaranteed under the Constitution of India but consideration for promotion definitely falls within the ambit of Part-III of the Constitution of India.

In the above background, we see no justification for entertaining the appeal. The appeal and the Interlocutory Application No. 7988 of 2018 both stand rejected accordingly.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-R.S.Sen

