

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7043 of 2018

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Kameshwar Prasad S/o Late Ramadhin Das, Residence of Village- Nehusa,
P.S.- Harnauth, District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Human Resources Development Department, Government of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The Regional Deputy Director of Education, Patna.
5. The District Magistrate, Nalanda.
6. The District Education Officer, Nalanda.
7. The District Programme Officer Establishment Patna.
8. The Block Education Officer-cum-Drawing Disbursing Officer, Ashtama, District- Nalanda.
9. The Headmaster Utkramit Middle School Basti, Harnaut, Nalanda.
10. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Fahad Khurshid, Adv.
For the Respondent/s : Mr.Arvind Kumar, AC to G.P. 23
For the Accountant General: Mr. Ranjan Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 25-03-2019

The present writ petition has been filed for directing the respondents to grant second time bound promotion to the petitioner, which is due since 3.2.2007 as also to direct the respondents to grant graduate trained pay scale w.e.f. 3.2.1983.

The brief facts of the case are that the petitioner was appointed as Assistant teacher, Imbhripur Block Ashtama, District Nalanda on 12.8.1976 in the primary school. It is submitted that though the petitioner has on 30.6.2013, the aforesaid benefits are



not being granted to the petitioner herein. Lastly, it is submitted that though the petitioner has filed representations dated 22.2.2017 and 12.3.2018, but to no avail.

I have heard the learned counsel for the parties and gone through the materials on record and I find that the petitioner has already stood retired from his services on 30.6.2013. Thus, this Court is of the view that the petitioner has approached this Court after a great delay and no explanation whatsoever has been furnished for such delay. Moreover, the petitioner does not seem to have filed any representation before the respondent authorities prior to the date of his superannuation or immediately thereafter inasmuch as not even a single representation pertaining to his grievances have been brought on record of the present writ petition, hence apparently the present writ petition is barred by the principles of delay and laches especially in view of the fact that the petitioner herein has stood superannuated from his services, hence his rights and liabilities had got crystallized on the date of superannuation, which had led to severance of employer-employee relationship, therefore, the cause of action did not remain a continuing one thereafter, thus I do not deem it fit and appropriate to entertain a stale claim. Consequently, the writ petition is dismissed, however, in the interest of justice, this Court



feels it appropriate to grant liberty to the petitioner to agitate his grievances before the District Education Officer, Nalanda. Accordingly, it is directed that in case the petitioner approaches the District Education Officer, Nalanda, within a period of four weeks from today, appropriate decision would be taken expeditiously upon the claims raised by the petitioner.

(Mohit Kumar Shah, J)

Tiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	

