

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.256 of 2018

In

Civil Writ Jurisdiction Case No.2408 of 2015

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Ghazala Nikhat Wife of Md. Shahid, resident of Village- Balaha, P.O.-
Yagiyara, Police Station- Bahadurpur, District- Darbhanga.

... .. Appellant/s

Versus

1. The State Of Bihar Through Chief Secretary, Government Of Bihar, Patna and Ors
2. The Divisional Commissioner, Darbhanga Division, District- Darbhanga.
3. The District Magistrate, Darbhanga, District- Darbhanga.
4. The District Teachers Appointment Tribunal, Balbhadrapur, Laheriasarai, District- Darbhanga.
5. The Mukhia, Gram Panchayat Raj Prem Jivar, P.S.- Bahadurpur, District- Darbhanga.
6. The Panchayat Secretary, Gram Panchayat Raj Prem Jivar, P.S.- Bahadurpur, District- Darbhanga.
7. Shahjana Tanaum, D/o Hazattar Wahali, R/o Village Premjivar, P.S. Bahadurpur, Lehariya Sarai, District-Darbhangha.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Alok Kumar, Advocate
Mr. Pranav Kumar, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 22-01-2019

I.A. 1468 of 2018

Having heard learned Counsel for the parties, we are satisfied that the delay has been sufficiently explained. The delay condonation application is allowed. The appeal shall be treated to be within time.

L.P.A. No. 256 of 2018

Heard learned counsel for the appellant and perused the



impugned order.

Having heard the learned counsel for the appellant, even though we have allowed the limitation petition and entertained the appeal, yet, keeping in view the delay and laches, we do not find any error in the refusal by the learned Single Judge to exercise discretion under Article 226 of the Constitution of India. Suffice it to say that the disinclination to entertain an application under Article 226 of the Constitution of India cannot be treated to be an order on the merits of the claim of the appellant and, at the best, the remedy of the writ jurisdiction is denied keeping in view the laches of the appellant. It is also evident that the appellant has approached in this appeal after two and a half years. This also is another factor not to interfere with the impugned judgement.

The appellant can avail of any other remedy if permissible in law.

Consigned to records.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/Uma/-

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