

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1472 of 2018

In
Civil Writ Jurisdiction Case No.1230 of 2007

=====

Arun Kumar, Son of Sri Fuleshwar Yadav, Resident of Village and P.O.-
Lauwa Lagan East, P.S. Chausa, District- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Collector, Madhepura, District- Madhepura.
3. The Block Development Officer, Chausa, P.S. Chausa, District- Madhepura.
4. The Block Education Officer, (B.E.O), Chausa, Block, P.S. Chausa, Distt.
Madhepura.
5. Sri. Nandlal Yadav, Ex-Mukhiya Lauwa Lagan, East Garam Panchayat ,
Lauwa Lagan East, Distt. Madhepura.
6. The Mukhiya Lauwa Lagan, East Garam Panchayat, P.S. Chausa, Block
Chausa, Distt. Madhepura.
7. The Panchayat Secretary, Lauwa Lagan, East Garampanchayat, P.S. Chausa,
Distt. Madhepura.
8. Sri Rajiv Kumar, Son of Bindheshwari Sah, Resident of Village- Lauwa
Lagan, P.S. Chausa, District- Madhepura.

... .. Respondent/s

=====

with
Civil Writ Jurisdiction Case No. 20229 of 2018

=====

Arun Kumar, Son of Sri Fuleshwar Yadav, resident of Village- Lauwa Lagan,
P.S. Chausa, District Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Madhepura, District- Madhepura.



5. The District Education Officer, Madhepura, District- Madhepura.
6. The District Programme Officer Est., Madhepura, District- Madhepura.
7. The Block Education Officer, Chausa, District- Madhepura.
8. The Panchayat Secretary, Lauwa Lagan, East Gram Panchayat, P.S. Chausa, District- Madhepura.
9. The Mukhiya of the Gram Panchayat of Lauwa Lagan, East Gram Panchayat, P.S.- Chausa, District Madhe
10. Rajiv Kumar, Son of Bindheshwari Sah, resident of Village- Lauwa Lagan, P.S. Chausa, District Madhepura.

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 1472 of 2018)

For the Appellant/s : Mr.Sharda Nand Mishra, Adv.

For the Respondent/s : Mr.Ashutosh Ranjan Pandey, AAG-15

(In Civil Writ Jurisdiction Case No. 20229 of 2018)

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv.

For the Respondent/s : Mr.Madanjeet Kumar, GP-20

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

Date : 19-11-2019

Heard learned counsel for the appellant- writ petitioner and the respondent.

I.A. No. 7948 of 2018

The aforementioned I.A. has been preferred for condonation of delay of 8 years and 4 days in filing the present LPA.

Having heard learned counsel for the parties, we are of the considered view that the appellant has not shown sufficient cause for condoning the delay. Paragraph 3 of the aforesaid I.A. reads as follows:



“That appellant come to knowledge of the order dt. 31.08.2010 passed in CWJC No. 1230/2007 when a letter memo no.D.B. No. 579 dt. 12.09.2018 issued by the Collector Madhepura to appellant inter-alia stated as respondent no.8 filed application on 12.09.2018 for compliance of the order dated 31.08.2010 passed in CWJC No. 1230 of 2007.”

In view of the insufficient cause shown in the limitation petition, we are not inclined to condone the delay of more than eight years in filing the present appeal.

Accordingly, I.A. No. 7948 of 2018 stands dismissed.

Even otherwise, the direction issued by learned Single Judge has already been complied with and a consequential order has already been passed by the District Magistrate seeking exception to the consequential order passed by the District Magistrate, the appellant has preferred C.W.J.C. No. 20229 of 2018 which has also been tagged with the instant appeal vide order dated 28.3.2019.

For the reasons aforesaid, we dismiss the appeal *in limine* and direct the office to place C.W.J.C. No. 20229 of 2018 before the appropriate Bench as per the roster for disposal.

Since we have dismissed the instant L.P.A., as a consequence thereof, the interim order dated 9.5.2019



whereby the appellant was allowed to be reinstated stands vacated forthwith.

We hasten to make it clear that we have not deliberated on the merits of the case and it shall be open for the appellant to raise all the issues before the learned writ court.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

Ashwini/DKS

AFR/NAFR	NAFR
CAV DATE	NIL
Uploading Date	06.12.2019
Transmission Date	NIL

