

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.846 of 2018

In
Civil Writ Jurisdiction Case No.10029 of 2014

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Gita Kumari Wife of Dharmendra Kumar resident of village- Khajuria Bigha
Police Station Nagarnausa, District Nalanda.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Director, Integrated Child Development Scheme, Social Welfare Department, Government of Bihar, Patna
3. The Secretary, Social Welfare Department, Government of Bihar, Patna
4. The District Magistrate, Nalanda, District- Nalanda.
5. The Child Development Project Officer, Nagarnausa, P.S.- Nagar Nausha, District- Nalanda
6. Anjula Kumari Sinha wife of Shailendra Prasad r/o village Khajuria Bigha, P.S. Nagarnausa, Distt. Nalanda

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bishwa Bijay Kumar, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha -G.A.-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-08-2019

Re. I.A. No. 4443 of 2018

After having heard learned counsel for the applicant,
we are satisfied that sufficient cause has been shown to condone
the delay. Delay is accordingly condoned and the appeal shall be
treated to be within time.

Re : L.P.A. No. 846 of 2018

The appellant was placed at Serial No. 1 of the



selections on the post of Sevika of Anganbari Centre of a particular village. The resolution whereof was passed on 13th April, 2012. She had the highest marks, but objections were made that she was unmarried till the cut-off date of submission of application and that her mother-in-law, was a *Panch* of village Khajurkala who had not resigned from her post and, consequently, the aforesaid two deficiencies disentitle her from being selected as per the 2011 guidelines applicable to the controversy.

The respondent No. 6 was placed at Serial No. 2 and she came to be selected. The appellant filed a writ petition giving rise to the present appeal which has been dismissed on 19th of December, 2016.

The appeal has been filed on the ground that the learned Single Judge has erroneously assumed the factum of the appellant being not married for which she has relied on a marriage certificate. It is further submitted that the mother-in-law of the appellant had resigned prior to the date of the meeting of the *Aam Sabha* in which the selections were held.

A counter affidavit has been filed in this appeal stating that the appeal is highly barred by time and the delay as explained does not deserve to be condoned.



While replying on the merits, it has been stated that no such marriage certificate had been produced to establish her case on the date when the selections were held and secondly the contention with regard to the mother-in-law being a *Panch* could not be successfully controverted.

The learned Single Judge has declined to exercise discretion on the ground that the facts on the basis whereof the appellant has been denied engagement are not seriously disputed.

We have considered the submissions raised and there might be an element of defence in what the appellant has submitted with regard to her status of marriage and the status of resignation of her mother-in-law, but the fact remains that the present appeal has been filed after a delay of 1 year and 152 days. The cause shown is that the appellant could not get information from the learned Advocate about the dismissal of her writ petition timely. She has pleaded confusion and dilemma on this count.

We are not able to appreciate the aforesaid explanation set up by the appellant of confusion and dilemma, inasmuch as she ought to have been vigilant enough in pursuing the matter timely.



Apart from this, we find that selections are of the year 2012 and more than 7 years have passed by, it will, therefore, not be appropriate now to unsettle the said selections even though there might be a semblance of claim in what has been stated by the appellant.

We, however, clarify that any finding with regard to the status of her marriage or about the status of her mother-in-law being a *Panch* has not been adjudicated by us on merits.

This appeal is dismissed with the said observations.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Saif/-

AFR/NAFR	
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