

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1402 of 2018

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1. The State of Bihar through its Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Vikas Bhawan, Patna.
 2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Vikas Bhawan, Patna.
 3. The Director (Secondary Education), Department Education, Bihar Secondary Education Office, Budh Marg, Patna.
 4. The District Education Officer, Khagaria.

... .. Appellant/s

Versus

1. Usha Sinha and Ors w/o Shree Krishnanand Choudhary
2. Rajendra Prasad Chaudhary S/o Late Kamla Kant Choudhary
3. Ram Naresh Singh S/o Late Bishnudeo Singh
All Assistant Teachers of Pandit Sarjug Hazari, Project Girls High School,
Dumaria, Bujurg, Police Station - Parbatta, District - Khagaria.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 13-02-2019 There is an inordinate delay of 5 years and 275 days in filing of this appeal and the explanation given in support thereof is the rejection of the Review Application by the learned Single Judge on 1st of August, 2018.

The writ petition was allowed on 8th of November, 2012. The Review Application was filed after 5 ½ years that was dismissed as not being accompanied by any satisfactory reason for the delay in filing of the Review Application.

We are also not satisfied with the explanation given and additionally for the reason that from the affidavit on record



we find that the plea taken is that since one of the post was unavailable, therefore, it was not possible to accommodate the respondent Rajendra Prasad Chaudhary. The other two petitioners have been accommodated and their proposals have been approved on 8th of March, 2013 as stated in Paragraph 9 of the I.A. No. 2/2019.

It is thus, evident that in the year 2013 itself the appellant knew about the non-availability of the post and they took five years to file the Review Application on such a ground and have taken more than 5 ½ years to prefer this appeal. The Court does not find any explanation worth the name much less a satisfactory explanation to condone the delay.

The Delay Condonation Application is rejected. The appeal also stands rejected for the said reason.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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