

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1708 of 2018

In
Civil Writ Jurisdiction Case No.10802 of 2016

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Manoj Kumar Sharma and Ors

... .. Appellant/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Nikhil Kumar Agrawal
Ms. Aditi Nansaria

For the Respondent/s : Mr.Prabhat Kumar Verma- Aag3

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)

2 06-01-2020 I.A.No. 9135 of 2018 has been filed on behalf of the appellants under section 5 of the limitation Act for condonation of delay of one year 347 days in filing this appeal.

In Para-3 of the aforesaid petition, it has been averred that respondent no. 11 was writ petitioner no. 1 and as a matter of fact, he was doing pairvi on behalf of the appellants as well as other writ petitioners but he did not inform to the present appellants about dismissal of CWJC No. 10802 of 2016 and he also did not file any appeal challenging the impugned order passed in the above stated CWJC No. 10802 of 2016.

However, when the appellants came to know about



dismissal of CWJC No. 10802 of 2016 as well as conduct of writ petitioner no. 1 namely, Abhay Kumar Singh, they immediately filed the present appeal against the impugned judgment dated 22.11.2016 passed in CWJC No.10802 of 2016.

The perusal of the impugned judgment goes to show that a panel was prepared at District level for appointment of Executive Assistant on contract basis for limited period in the year 2015 and the aforesaid panel was valid for the period of one year but before expiry of aforesaid panel, the concerned authorities appointed some other persons from the panel which was prepared in the year 2012. Furthermore, the impugned judgment goes to show that a new advertisement for preparation of fresh panel was published and the appellants were granted liberty to apply in response of the aforesaid advertisement.

In course of hearing, learned counsel appearing for the appellants accepts this fact that the appellants had not applied in response to the advertisement which was published for preparation of new panel. The appellants ought to have availed the aforesaid opportunity, particularly, when the learned Single Judge had granted liberty to them.

Although, the appellants have tried to explain the delay of near about two years in filing this appeal but we are not



at all convinced with the aforesaid explanation of the appellants and, therefore, in the aforesaid circumstance, we do not think it proper to condon the delay in filing this appeal and, accordingly, I.A.No.9135 of 2018 stands rejected.

In view of the aforesaid circumstance, this appeal stands dismissed being time barred.

However, the appellants may apply, if a fresh panel is prepared and the concerned authority shall be at liberty to examine the eligibility of the appellants.

N.K/-

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

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