

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.9 of 2020
In
Civil Writ Jurisdiction Case No.17392 of 2018

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1. Dharmvir Kumar, Son of Sri Rajendra Paswan, Resident of Village- Chamangarh, P.O.- Kala Rampur, P.S.- Naya Rampur, District- Munger (Bihar).
 2. Amardip Paswan Son of Sri Maheshwar Paswan Resident of Village- Rahmatpur, P.O.- Rahmatpur, P.S.- Asarganj, District- Munger (Bihar).
 3. Narendra Kumar, Son of Sri Shiv Pujan Paswan, Resident of Village- Khajuri, P.O.- Karpi, P.S.- Karpi, District- Arwal (Bihar).
 4. Arun Kumar, Son of Gonu Ram, Resident of Village- Raghunathpur, P.O.- Chhitauni, P.S.- Musahari, District- Muzaffarpur (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The State Project Director, Bihar Education Project Council, Shiksha Bhawan, Rashtrabhasa Prarishad Parisar, Saidpur, Rajendra Nagar, Patna- 800004.
3. The State Programme Officer IED Samaveshi Shiksha (Disability), Bihar Education Project Council Shiksha Bhawan, Rashtrabhasa Parishad Parisar, Saidpur, Rajendra Nagar, Patna- 800004.
4. The Regional Deputy Director of Education, Saran Range, Chapra.
5. The District Education Officer, Saran at Chapra.
6. The District Programme Officer (SSA), Saran at Chapra.
7. The District Coordinator (IED) in the Officer of District Education Officer, Saran at Chapra.
8. Minhaj Alam Son of Sri Shivpujan Paswan Resident of Village- Ratanpura, P.O. and P.S.- Bhagwan Bazar, District- Saran at Chapra.
9. Saroj Kumar Gupta, Son of Kedar Nath Sah, Resident of Village- Tekniwas, P.O. and P.S.- Revilganj, District- Saran at Chapra.
10. Anil Kumar, Son of Binod Kumar, Resident of Village- Tekniwas, P.O. and P.S.- Rivilganj, District- Saran at Chapra.
11. Sarita Kumari, Daughter of Harihar Prasad Sah Resident of Village- Tekniwas, P.O. and P.S.- Rivilganj, District- Saran at Chapra.
12. Arti Kumar, Daughter of Kedar Sah, Resident of Village- Tekniwas, P.O. and P.S.- Rivilganj, District- Saran at Chapra.
13. Mukesh Kumar Sinha Son of Sri Baijnath Prasad Resident of Village Khoridih, P.O.- Sauri Basti, P.S.- Kopa, District- Saran at Chapra.



14. Saroj Kumar, Son of Sri Surendra Paswan, Resident of Village- Sita Kund Hasanpur, P.S. and P.O.- Dariyapur, District- Munger.

... ... Respondent/s

Appearance :

For the Appellant/s	:	Mr.Raju Giri, Advocate
For the State	:	Mr.Shashi Shekhar Tiwary, AC to AAG-13
For the Respondent Nos. 2 & 3	:	
BEPC	:	Girijish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 24-11-2022

Re.: I.A. No. 01 of 2020

Heard Interlocutory Application No. 01 of 2020 for condonation of delay of six months eighteen days in filing the present Letters Patent Appeal.

For the reasons stated in the application and the affidavit, delay of six months eighteen days in filing the present Letters Patent Appeal is condoned and I.A. No. 01 of 2020 stands allowed.

Re.: L.P.A. No. 09 of 2020

Heard the learned counsels for the respective parties.

2. The matter relates to confirmation in the post of Resource Teacher. For the aforesaid post, the appellant was



required to acquire requisite qualification of Diploma in Community Based Rehabilitation within a period of two years. The aforesaid education qualification is prescribed by the Indian Rehabilitation Council, New Delhi. The appellant was selected and appointed in the month of August, 2013, in the result, he is required to acquire the aforesaid qualification within a period of two years.

3. Perusal of the learned Single Judge order, it is evident that as on the date of deciding C.W.J.C. No. 17392 of 2018, the appellant was not possessing the aforesaid qualification. Today, learned counsel for the appellant submitted that appellant did acquire the aforesaid qualification in the year, 2014, however, the same was not brought on record in present proceedings. It is stated that as and when he acquired the aforesaid qualification he had submitted representation while enclosing copy of the Certificate, however, the same has been ignored by the respondents. For the first time, the appellant is pointing out that appellant had possessed the aforesaid education qualification in the year 2014. Therefore, it is not appropriate to entertain such document in L.P.A. Proceedings.

4. Accordingly, appeal stands dismissed reserving liberty to the appellant to approach learned Single Judge in



filing review petition in accordance with law.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

