

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5984 of 2022

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Malti Verma Wife of Late Rajendra Prasad Verma C/o Minakshi Garments, In
Front of Amawan Palace, Mohalla Thakurbari Road P.S. Kadam Kuan,
District- Patna Retired Teacher FGIRLS Middle School Lalji Tola, Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, Patna.
2. The Director Primary Education, Govt. of Bihar, Patna.
3. The District Education Officer, Patna.
4. The District Programme Officer (Establishment), Patna.
5. The Block Education Officer, Patna Sadar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Amar Nath Singh, Adv.
For the Respondent/s : Mr. Ram Vinay Pd. Singh, GA-12

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 06-07-2022

1. Heard the parties.

2. The petitioner retired in 2008. She has filed the present petition claiming that she was appointed as a Matric untrained teacher on 05.01.1967 and had unblemished record. She completed two years training course in 1970 and also received Matric trained scale on 24.11.1970. She does her graduation in the year 1979, and therefore, claims that she should be granted trained graduate scale from the year 1979. Admittedly, she was granted promotion in 1987 and thereafter second promotion 2001. At that time, she has not objected or claimed her dues. Apart from being stale and old, it is also not



admissible as the petitioner did not raise the same at the relevant time and thus accepted. It is also not known whether she did her graduation after taking permission from the department. At this late stage, it would be therefore inappropriate to consider this petition for grant of graduate trained scale.

3. Although, there is no limitation provided for filing a writ petition in Court. In service matters, ordinarily three years has been considered as a reasonable time to approach the Court. In **M.R. Gupta Vs. Union of India & Others reported in (1995) 5 Supreme Court Cases 628**, the Apex Court held as under:-

“It is no doubt true that if the appellant’s claim is fund correct on merits, he would be entitled to be paid according to the properly fixed pay scale in the future and the question of limitation would arise for recovery of the arrears for the past period. In other words, the appellant’s claim, if any, for recovery of arrears calculated on the basis of difference in the pay which has become time barred would not be recoverable, but he would be entitled to proper fixation of his pay in claim is justified. Similarly, any other consequential relief claimed by him, such as, promotion etc. would also be subject to the defence of laches etc. to disentitle him to those reliefs. The pay fixation can be made only on the basis of the situation existing on 01.08.1978 without taking into account any other consequential relief which may be barred by his laches and the bar of limitation. It is to this limited extent of proper pay fixation the application cannot be treated



as time barred since it is based on a recurring cause of action.”

4. Keeping in view above, since the petitioner has retired in 2008, no claim beyond three years can be accepted for this Court.

5. The writ petition suffers from gross latches of delay and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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Item no.47

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