

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1216 of 2019

In

Civil Writ Jurisdiction Case No.6750 of 2015

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1. Ram Naresh Rai Son of Ramcharan Rai, resident of Village- Kalyanpur, Post - Kanhauli, P.S. and Block- Mahua, District- Vaishali at present posted as Panchayat Secretary at Deshri Block District- Vaishali at Hajipur.
 2. Baidyanath Praad yadav, son of Late Chandradeep Rai, resident of Village- Imadpur, Post - Pashtara, P.S. Adligaon, Block - Patepur, District- Vaishali, at present posted as Panchayat Secretary at Goraul Block District- Vaishali at Hajipur.
 3. Maheshwar Prasad Singh, son of Ram Gulam Singh, resident of Village and Post Office- Ali Nagar Lewacharn, P.S. Baligaon, Block- Patepur, District- Vaishali at present posted as Panchayat Secretary at Goraul Block District- Vaishali at Hajipur.
 4. Raj Narain Singh, son of Late Ram Swarth Singh, resident of Village and Post-Mahathi Dharamchand, P.S. Tisaut, Block-Patepur, District-Vaishali at Present posted as Panchayat Secretary at Hajipur Sadar Block, District-Vaishali at Hajipur Sadar Block, District-Vaishali at Hajipur.
 5. Balram Singh, son of Late Mishri Singh, resident of village and Post-Kutubpur, P.S. and Block-Bidpur, District-Vaishali at Present posted as Panchayat Secretary at Hamjipur Sadar Block, District-Vaishali at Hajipur.
 6. Harihar Sahni, son of late Kuldip Sahni, resident of Village-balha, Post-Ghatro, P.S. and Block-Lalganj, District-Vaishali at present posted as Panchayat Secretary at Hajipur Sadar Block, District-Vaishali at Hajipur.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
3. The Director, Panchayati Raj, Government of Bihar, Patna.
4. The District Magistrate Vaishali at Hajipur.
5. The District Panchayat Officer Vaishali at Hajipur.
6. The Block Development Officer Deshri, District Vaishali at Hajipur.
7. The Block Development Officer Goraul, District Vaishali at Hajipur.
8. The Block Development Officer, Hajipur Sadar, District Vaishali at Hajipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mithilesh Kumar, Advocate Mr. Harsh Anuj, Advocate
For the Respondent/s	:	Mr. Pushkar Narain Shahi, AAG 6 Mr. Mrityunjay Kumar, AC to AAG 6



CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 19-07-2022

Heard learned counsels for the parties.

2. In the instant appeal, appellants have questioned the validity of order of the learned Single Judge dated 10.04.2019 passed in C.W.J.C No. 6750 of 2015.

3. I.A. No. 01 of 2019 is for condonation of delay of about two months. For the reasons stated in the application and affidavit, delay stands condoned and I.A. No. 01 of 2019 stands allowed.

4. With the consent of learned counsels for the respective parties, L.P.A is heard.

5. Grievance of the appellants is that they are entitled to be appointed to the post of Panchayat Sevak/Secretary from the post of Dalpati from 20.8.1998, the date on which it is stated to have been sanctioned and created. The appellants were appointed on 3.6.2010, thereafter they were given posting. For retrospective appointment they had approached this Court in the year 2015. It is to be noted that there is no challenge to the initial appointment to the effect that appellants are entitled to retrospective appointment as and when the vacancy was created and sanctioned on 20.8.1998.



In the absence of challenge to the order of appointment that it should have been from retrospective date on 20.8.1998 the appellants have not made out a case in seeking retrospective appointment. That apart, there is no explanation in respect of delay and laches for the reasons that they have invoked writ jurisdiction only in the year 2015 in respect of cause of action in the year 2010. Further, it is to be noted that no right is created in the appellants merely because the post Panchayat Sevak/Secretary was created and sanctioned on 20.8.1998.

7. In the light of these facts and circumstances, no interference is called for in respect of learned Single Judge order dated 10.04.2019 passed in C.W.J.C No. 6750 of 2015.

8. Accordingly, appeal stands dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	22.07.2022
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