

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1636 of 2023

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Raj Kumar Rai, Son of Bhuwaneshwar Roy, Resident of Village Chanan,
Police Station- Basopatti, District- Madhubani.

... .. Petitioner

Versus

1. State of Bihar through Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director School Education, Government of Bihar, Patna.
3. The District Magistrate, District- Madhubani.
4. The District Superintendent of Education District Programme Co-ordinator,
Bihar Education Project, Madhubani.
5. The Block Education Officer Basopatti Block, District- Madhubani.
6. The Head-master, N. Primary School, Village- Mansingh Patti, Panchayat-
Basopatti west Block- Basopatti, District- Madhubani.
7. The Panchayat Secretary, Panchayat Basopatti (West), Block- Basopatti,
District- Madhubani.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate
For the Respondent/s : Ms. Binita Singh, SC- 28

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-06-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner in the present case is seeking a direction to
the respondents to treat him in continuous service and direct the
Headmaster of the school to allow him to join the school.

It is the case of the petitioner that he was appointed as a
Panchayat Teacher and joined the school on 28.12.2006 whereafter
he continued to discharge his duty and made attendance in the
teachers' attendance register and also received his salary from the
date of joining to the month of June, 2015. The petitioner claims



that after the month of June, 2015, the Headmaster of the school stopped him from coming to the school because his educational certificates were not verified. The petitioner claims that he awaited for the response of the Headmaster as to what happened after verification of his educational certificates but no response came and he was not allowed to join.

It is his further case that the petitioner met an accident in the year 2016 and remained bed-ridden for a period of one year. He got fit to join on 10.06.2017 after his discharge from the nursing home whereafter he filed representation before the Headmaster of the school to allow him to join but the same was not considered.

Learned counsel for the State submits that the statements made in the writ application are not duly supported by records. The petitioner has not placed any document to show that he was being paid his salary and allowances from the year 2006 to the month of June, 2015. He has not even brought on record the appointment letter, though he has placed on record a document showing that he had submitted his joining but the circumstances under which the petitioner remained sitting idle for seven years at least from the year 2016 which is the year in which he is said to have met an accident, does not inspire confidence and this writ application at this belated stage may not be entertained.



Having heard learned counsel for the petitioner and learned counsel for the State and after going through the materials available on the record, this Court finds that according to the petitioner he was stopped from coming to the school on or after 09.07.2015. One undated representation said to have been made to the Headmaster of the school and the District Education Officer, Madhubani has been brought on record as Annexures '4' and '5' respectively to the writ application. The completely vague statements made therein and the fact that no date of representation is mentioned do not inspire confidence of this Court. The petitioner is moving this Court directly after about seven and half years from 09.07.2015. He has completely failed to show that he ever made any effort to raise his grievance, if any, immediately after 09.07.2015.

In the opinion of this Court, the writ application is fit to be dismissed on the ground of delay and laches on the part of the petitioner.

This application is accordingly dismissed.

(Rajeev Ranjan Prasad, J)

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