

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.503 of 2019

In
Civil Writ Jurisdiction Case No.13446 of 2000

=====

Sarita Singh, Wife of Late Anil Kumar Singh, R/o Village- Bhartipur,
Bhagwanpur, Post Office- Saraiya, P.S.- Sakara, District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Secretary, Secondary Education, Government of Bihar, New Secretariat, Patna.
3. The Director, Secondary Education, Government of Bihar, New Secretariat, Patna.
4. The District Magistrate, Vaishali at Hazipur.
5. The District Magistrate, Muzaffarpur.
6. The District Education Officer, Vaishali at Hazipur.
7. The District Compassionate Committee, Vaishali through its Chairman, the District Magistrate, Vaishali at Hazipur.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Rajeev Kumar Singh, Advocate
For the State : Mr. Shashi Shekhar Tiwari, AC to AAG-15
For the Education Department : Mr. Ram Kishore Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 23-02-2023

Though this appeal was entertained for quite
sometime and for verification of the correctness of the
statement made by the appellant and the Director of
Secondary Education was also called in the Court but we
find that there has been an unusual delay of six years and



twenty-seven days in preferring this appeal.

It appears that the matter was entertained only for the reason that the appellant is a widow of the person who claims to have been appointed against a sanctioned and vacant post. It was one of the grounds urged in the appeal that the facts recorded in the learned Single Judge's order that the husband of the appellant was employed on temporary basis is incorrect. Only to test this, the Director, the Appellate Authority before whom, according to the appellant, the appeal preferred by her late husband had been pending, was called.

There is no record of such an appeal available in the Director's Office.

The learned counsel for the appellant, however, submits that the Office of the Director, Secondary Education had been searching for an appeal preferred by the appellant when in fact the appeal had been preferred by her late husband.

Be that as it may, from the averments made in the memo of appeal a copy of which has been furnished by the learned counsel for the appellant, it is absolutely clear



that the husband of the appellant was not permanently employed.

Thus, on the ground of limitation, this appeal is rejected.

(Ashutosh Kumar, J)

(Harish Kumar, J)

uday/rishi-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.03.2023
Transmission Date	

