

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10229 of 2022

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Rajkumari Devi Wife of Ajit Pandit, Resident of Village - Zafrabad, P.O. and
P.S. - Desari, District - Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through the Special Secretary-cum-Director in-Charge,
Adult Education, Bihar, Patna.
2. The Director, Adult Education, Bihar, Patna.
3. The Deputy Director, Adult Education, Bihar, Patna.
4. The District Education Officer, Munger.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate
For the Respondent/s : Mr. Madhukar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 11-05-2023

Heard learned counsel for the petitioner and learned
counsel representing the State.

2. The petitioner in the present case is seeking quashing
of a letter bearing no. 1133 dated 22.06.2022 issued by the Deputy
Director, Adult Education, Bihar, Patna whereby and whereunder
the claim of the petitioner for absorption/ appointment in any of
the government department has been rejected.

3. The case of the petitioner is that the name of the
petitioner was recommended by the District Level Committee for
absorption in the office of the District Education Officer, Munger.
It is stated that the petitioner did not appear for counselling,



therefore, after lapse of several years it would not be appropriate to make another recommendation for absorption.

4. On perusal of the letter dated 07.01.2020 written by the petitioner to the Director, Adult Education, Bihar, Patna, available on the record, it appears that the petitioner has taken a plea that she was under treatment during the period 11.06.2018 to 11.02.2019 and she was in bed rest. The claim is that for this reason, she could not get any information about the counselling scheduled in the office of the District Education Officer, Munger. Later on, she came to know vide letter no. 29 dated 10.01.2019 that her recommendation had already been returned and another candidate in her place has been recommended.

5. In the counter affidavit filed on behalf of the respondents, it is stated that the petitioner is herself not sure about her non-appearance before the authority as at one place she has stated that she was not aware of the counselling and at another place she states that due to ill health she could not appear before the concerned authority, however, to substantiate her contention that she was advised bed rest for 8 long months, she had not produced any document.



6. A plea has been taken that the delay of over 3 ½ years in approaching this Court has made her dis-entitled for the reliefs prayed in this writ application.

7. Having heard learned counsel for the petitioner and learned counsel for the State as also on perusal of the records, this Court finds that the petitioner had come to know in the year 2019 itself that in her place somebody else has been recommended because she had not reported for counselling. She has filed this writ application after more than three years thereafter. The delay and laches on the part of the petitioner is apparent on the face of the record. At this stage, when another candidate has already been appointed, this Court would not entertain this writ application.

8. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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CAV DATE	
Uploading Date	13.05.2023
Transmission Date	

