

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.382 of 2023

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Akshyabar Kumar Son of Birju Ram, Resident of Mohalla-Chhotaki Nawada,
Police Station-Delha, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Director Primary Education, Bihar, Patna.
3. The Director Mid-day Meal Scheme, Bihar, Patna.
4. The District Magistrate, Gaya.
5. The Regional Deputy Education Director, Magadh Division, Gaya.
6. The District Education Officer, Gaya.
7. The District Program Officer Establishment, Gaya.
8. The Block Education Officer, Mohra, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binay Kumar, Adv.
For the State	:	Mr. Amit Bhushan, AC to GP 17
For Respondent no. 3	:	Mr. Brijesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 20-01-2023 1. The learned counsel for the petitioner assails the order passed by the District Programme Officer whereby, petitioner has been visited with punishment of withholding one increment without cumulative fact and also the appellate order passed by Regional Director Education, whereby appeal was rejected on the ground of limitation.

2. Taking into consideration, it is noticed that the Appellant Authority has passed the order on 19th March, 2020 treating the limitation period of filing of an appeal as a



mandatory. In the opinion of this court, the provision of Limitation Act have no application to the departmental rules if there is a delay, the Appellate Authority is obliged to look into the facts of the case and merits of the case as well as the delay and if there is a plausible reason coming forth, the delay should not be a ground to dismiss appeals without application of mind on the merits of the case.

3. Keeping in view thereto, this writ petition is allowed to the aforesaid extent. Order dated 19th March 2020 is set aside with direction to the Regional Deputy Director Education to re-hear the appeal on merits and decide the same.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 45

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