

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1596 of 2019

In
Civil Writ Jurisdiction Case No.19003 of 2019

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1. The State of Bihar through the Director, Primary Education, Directorate of Primary Education, Government of Bihar, Patna.
 2. The District Education Officer, Vaishali.
 3. The District Programme Officer (Est.). Vaishali.
 4. The Block Education Officer, Hajipur, Vaishali.
 5. The Headmaster, up-graded Middle School, Sultanpur, Hajipur, Vaishali.
- Appellant/s

Versus

Vinod Chaudhary, Son of Sri Indra Deo Chaudhary, resident of house no. 68, ward no. 12, Mangurahi, P.S.- Hajipur, District- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Samir Kumar (Ac To Sc16)
For the Respondent/s : Mr.Shashi Bhushan Kumar

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 11-01-2023

Re:- I.A. No. 01 of 2022

Heard Interlocutory Application for condonation of delay in filing the present L.P.A.

For the reasons stated in the application and affidavit, delay of 47 days in filing the present L.P.A. is condoned.

Accordingly I.A. No. 01 of 2022 for condonation of delay stands allowed.

With the consent of the learned counsels for respective parties, matter is taken up for final disposal.



Respondent- Vinod Chaudhary had filed C.W.J.C. No. 19003 of 2019 with prayer to the appellants to pay salary in the light of the order dated 23.12.2017 passed in Appeal No. 63 of 2017 by the District Appellate Authority, Vaishali. The learned Single Judge has allowed C.W.J.C. No. 19003 of 2019 on 16.09.2019. Hence the present L.P.A. by the State.

Learned counsel for the State submitted that respondent- Vinod Chaudhary is stated to have suppressed certain material before the District Appellate Authority, Vaishali and obtained order on 23.07.2012 in his favour in Appeal No. 63 of 2017. The State-appellants have not questioned the validity of the order of the District Appellate Authority, Vaishali dated 23.12.2017 before the appropriate forum. In the absence of invoking such remedy, present L.P.A. is not maintainable.

Accordingly, present L.P.A. stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

rakhi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.01.2023
Transmission Date	NA

