

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4401 of 2024

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Bibha Kumari @ Vibha Kumari W/o Sri Ashok Kumar, Resident of village -
Makkha Chak, P.O. and P.S. - Bakhari, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The District Appellate Authority, Begusarai through its Chairperson.
4. The District Magistrate, Begusarai.
5. The District Education Officer, Begusarai.
6. The District Programme Officer (Establishment), Begusarai.
7. The Block Education Officer, Bakhari, Begusarai.
8. The Mukhiya, Bagwan Gram Panchayat, Begusarai.
9. The Panchayat Secretary, Bagwan Gram Panchayat, Begusarai.
10. The Headmaster, Primary School Karanpur, Bagwan, Begusarai.
11. Kumari Smriti Sinha, W/o Roshan Kumar @ Binod Kumar, Resident of Village - Abhuar, P.O. - Mohanpur, P.S. - Bakhari, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Bipin Bihari Singh, Advocate
For the State	:	Mr. Government Advocate 9

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-10-2024 Heard learned counsels for the parties.

2. This writ application has been filed for quashing the order dated 07.01.2019 passed in Appeal No. 658 of 2018 (*Vibha Kumari versus The State of Bihar and Others*) passed by the State Appellate Authority, whereby and whereunder the appeal preferred by the petitioner was rejected and order dated 28.10.2015 passed by the District Appellate Authority,



Begusarai, has been upheld.

3. Learned counsel appearing on behalf of the petitioner submits that petitioner had visited the Panchayat Office for counseling for appointment to the post of Panchayat Teacher from 18.11.2008 to 30.02.2009 but none of the appointing authorities were present in the Office to conduct the counseling and no information was given to the petitioner with regard to the same. Thereafter, the petitioner came to know that private Respondent No. 10 has been appointed by the Employment Unit of the Gram Panchayat, Bagwan, for the post of Panchayat Teacher. After knowing the fact that private Respondent No. 10 has been appointed on the said post, even after having lesser marks than that of the petitioner, she made complaint before several authorities of the Education Department but the matter remained unheard. Finally, petitioner filed a complaint before the Public Grievance Cell, Begusarai, on 28.06.2012. However, without informing the petitioner, the said complaint was referred to the District Teachers Appellate Authority, Begusarai and Case No. 21 of 2013 was registered. He further submits that due to unawareness of the institution regarding the case before the Appellate Authority, the petitioner could not attend the case and the same got dismissed for non-



prosecution. When the petitioner came to know about the aforesaid fact, she took steps for filing fresh case along with limitation petition and accordingly, Case No. 21 of 2013 was instituted before the Tribunal. However, without going into the merits of the case, the Tribunal dismissed the case vide order dated 28.10.2015 on the point of limitation, against which the petitioner filed an appeal before the State Appellate Authority, bearing Appeal No. 658 of 2018, which also stood dismissed vide order dated 07.01.2019, without taking into consideration the facts of the case. Being aggrieved, the instant writ application has been filed.

4. On the other hand, learned counsel appearing on behalf of the State has opposed the contentions raised on behalf of the petitioner and submitted that from bare perusal of the impugned order it is apparent that after discussing the entire facts and circumstances of the case, the District Appellate Authority as well as the State Appellate Authority has dismissed the case of the petitioner on the point of limitation. In this case, the petitioner has filed appeal before the District Appellate Authority on 21.10.2013 i.e. after lapse of more than three years of appointment of private Respondent No. 10 and no explanation has been given as to why petitioner took three years



for approaching the appropriate authority. Learned counsel for the State has further submitted that law in this regard has been well settled by this Hon'ble Court in the case of ***M/s Bihar Engineering Corporation versus The State of Bihar and Others*** reported in ***2005 (4) PLJR 187*** wherein it has been stated that “*an aggrieved person must approach the writ Court before parallel rights are created and allowed to be entrenched by lapse of time and acquiescence.*”

5. Considering the rival submissions advanced on behalf of the parties, facts and circumstances of the case and the law laid down by this Hon'ble Court in the case of ***M/s Bihar Engineering Corporation (supra)***, I do not find any merit in the instant writ application.

6. Accordingly, this writ application stands dismissed.

(Prabhat Kumar Singh, J)

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