

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18243 of 2015

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Kuldeep Singh Son of Late Motilal Singh resident of village - Satapura, P.S.
Arwal, District - Arwal

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Human Resources Department Government of Bihar, Patna.
2. The Secretary Human Resources Department, Government of Bihar, Patna
3. The Director Primary Education, Human Resources Department, Government of Bihar, Patna
4. The District Magistrate, District - Arwal
5. The District Programme officer, District Arwal
6. The District Education Officer, District Arwal
7. The Block Education Officer, Block - Arwal, District - Arwal
8. The Accountant General Mahalekhakar Bhawan, Beerchand Patel Path, Patna, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Prasad Singh, Advocate
		Mr. Ajay Kumar Sinha, Advocate
For the Respondent/s	:	Mr. A.N. Sinha, GP-11

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 2 04-03-2024 1. Heard learned counsel for the petitioner and learned counsel for the respondents.
2. The petitioner has filed the instant application for the following relief(s):-

“1. That this is an application praying for issuance of a writ / writs ceretiorary or appropriate in nature for directing and commanding to the respondents for grant salary of the petitioner grade-III, who was appointed trained teacher and has been retired from service on 31.07.2002 from primary school Satapura, to the post of headmaster P.S. Arwal,



District Arwal, who had applied for grant of selection grade III before the authority on 13.12.2015 but his name has not published in provisional seniority list by the office of district Education officer - Arwal and as well as for direction to the respondents for make payment of dues arrears on the basis of selection grade III and other dues with interest which has not been paid to the petitioner also direct to the respondents for re-fix pension of the petitioner on the basis of pay scale in senior selection grade-III.”

3. It is the case of the petitioner that he joined service on 15.2.1962 as Matric Trained Teacher in Grade-I and continued in the same position till 31.3.1981. It is submitted that as per the provisions of the Bihar Taken over Elementary School Teachers Promotion Rules, 1993, 18 years service is required for matric trained teachers for promotion from Grade-II to Grade-III. The petitioner having completed 18 years of service on 31.3.1999, the respondents be directed to grant salary to the petitioner in Grade-III.

4. The application is opposed by learned counsel appearing for the State both on merits as well as on delay and laches.

5. Having heard learned counsel for the parties, the Court finds that as per the case of the petitioner itself, he retired



from service on 31.7.2002. The instant writ application was filed more than 13 years later on 24.11.2015 with no explanation whatsoever for the delay in filing of the same. On being confronted on this aspect, learned counsel for the petitioner referring to the representations of the petitioner brought on record as Annexures- 2, 3 and 4 submitted that the petitioner has been pursuing the matter with the respondent authorities but with no result.

6. This Court finds that having retired in the year 2002, the representations brought on record by the petitioner are dated 13.12.2011, 19.12.2014, 20.12.2014 and 7.4.2015.

7. This Court is of the opinion that from perusal of the representations, it is clear that the same have been brought on record only with the purpose to overcome the delay in filing of the instant application. The Court is not satisfied with the explanation furnished.

8. The writ application stands dismissed on the ground on delay and laches.

(Partha Sarthy, J)

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