

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1678 of 2019
In
Civil Writ Jurisdiction Case No.23513 of 2019

Nand Kishore @ Nand Kishor Kumar, Son of Sri Gyani Bhagat, Resident of Village-Ganeshpur, Police Station- Belsund, District-Sitamarhi (Bihar).

... .. Appellant.

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate Cum Collector Cum District Officer, Sitamarhi.
4. The District Education Officer, Sitamarhi.
5. The District Programme Officer, Sitamarhi.
6. The Block Education Officer, Belsand, District-Sitamarhi.
7. The Mukhiya, Gram Pandchayat Dumra (Nunaura), PS-Belsand, District-Sitamarhi.
8. The Panchayat Secretary of Gram Panchayat Dumra (Nunaura) Cum Secretary, Panchayat Teacher Niyojan Unit, Dumra (Nunaura), PS and Block-Belsand, District-Sitamarhi.
9. The District Teachers Employment Appellate Authority, Sitamarhi, District-Sitamarhi.
10. Birendra Kumar, S/o Ramdeo Rai, R/o Village and PO-Pachnaur, PS and Block-Belsand, District-Sitamarhi.

... .. Respondents.

Appearance :

For the Appellant	:	Mr. Pramod Kumar Singh, Advocate.
For the State	:	Mr. AC to AAG-15.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 05-08-2024

Appellant has assailed the order of the learned Single Judge dated 28.11.2019 passed in C.W.J.C. No.23513 of 2019.

2. Appellant Nand Kishore alias Nand Kishor Kumar and 10th respondent Birendra Kumar were candidates for the recruitment to the of Panchayat Teacher, which is stated to have been notified in the year 2006. 10th respondent Birendra Kumar



was selected and appointed to the post of Panchayat Teacher. Appellant Nand Kishore alias Nand Kishor Kumar for the first time raised dispute to the extent that he has secured more marks than the 10th respondent Birendra Kumar and it was pending consideration before the District Magistrate in the year 2012. The District Magistrate did not pass any order, resultantly, appellant filed C.W.J.C. No.22840 of 2012 and it was disposed of on 11.09.2017. The District Magistrate proceeded to pass order on 27.11.2017 on the score of delay. Once again the appellant filed C.W.J.C. No.710 of 2018 and it was decided on 16.02.2018 with an observation that the appellant has to invoke appropriate remedy before the appellate authority. The appellate authority has rejected the appellant's claim on 01.10.2019 vide Annexure-11 to the writ petition and it was a subject matter of C.W.J.C. No.23513 of 2019.

3. The learned Single Judge proceeded to dismiss the appellant's grievance on the ground of delay of about 11 years and no satisfactory explanation has been furnished by the appellant.

4. In this backdrop, we have specifically asked the learned counsel for the appellant how he will explain the delay and laches from the year 2006 to 2012. He has no answer.

5. Having regard to these dates and events, merely, approaching one authority or another authority belatedly and



such authority entertaining grievance of the person would not enure to the benefit of overcoming the delay and latches as held by the Hon’ble Supreme Court in number of cases.

6. Recently, the Co-ordinate Bench of this Court in **Civil Review No.14 of 2022 (Anil Prasad Singh Versus The State of Bihar and others) vide order dated 29.07.2024** examined the number of decisions. The same is taken note of to the extent that there are latches on the part of the appellant insofar as redressing his grievance in respect of selection and appointment to the post of Panchayat Teacher. In fact, in selection matters, candidate should be alert in approaching the judicial forum at the earliest point of time.

7. Taking note of these facts and the circumstances, there is no infirmity in the order of the learned Single Judge dated 28.11.2019 passed in C.W.J.C. No.23513 of 2019.

8. Accordingly, the present L.P.A. No.1678 of 2019 stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

P.S./-

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