

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.346 of 2019

In
Civil Writ Jurisdiction Case No.22864 of 2012

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1. The State Of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
 2. The Director Secondary Education, Human Resources Development Department, Govt. of Bihar, Patna.
 3. The Regional Deputy Director of Education, Purnea Division, Purnea.
 4. The District Education Officer, Kishanganj.

... .. Appellant/s

Versus

Jagannath Jha S/o Late Raghunath Jha, R/o Villagle- Daulatpur, P.S.- Palasi, District- Araria, at present Assistant Teacher In Project Girls High School- Ghanipulsara, P.S.- Terhagachh, District- Kishanganj.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.S.S. Tiwary (AC to AAG 15)
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL JUDGMENT

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

Date : 13-05-2025

Re: I.A. No. 01 of 2024

Heard I.A. No. 01 of 2024 for condonation of delay.

There is a delay of about 129 days in filing L.P.A. No. 346 of 2019.

2. For the reasons stated in the application read with the affidavit, delay of about 129 days in filing L.P.A. No. 346 of 2019, stands condoned.



3. Accordingly, I.A. No. 01 of 2024 stands allowed.

LPA No. 346 of 2019

4. Learned counsel for the appellant State submitted that the respondent teacher is not entitled to have the benefit of arrears in five installment or lump sum to such of those retired teachers under resolution dated 05.03.2018, only on the score that they do not possess qualification of a trained teacher and they have only graduation degree. To that effect, he has not apprised from the pleadings to the extent that respondent Jagannath Jha, Krishna Chandra Mishra, Rudal Prasad Singh, Kishor Kumar Mishra, Anant Kumar Jha and Chandra Kant Mani are possessing particular qualification and they do not possess graduation trained. In the absence of such pleadings, learned counsel for the appellant State is addressing on this issue that the learned Single Judge has committed error and so also no opportunity has been provided in the writ proceeding and at the admission stage itself and without permitting the appellants to file counter affidavit proceeded to decide CWJC No. 22864 of 2012 and connected matters.

5. Assuming that the learned Single Judge has committed error in not providing opportunity of filing counter affidavit, at the same time learned counsel for the appellant



State has not pleaded in its LPA in anyone of the para to the extent that the contesting respondent is not possessing certain qualification and he is required to fulfill trained graduate qualification. In the absence of such pleadings, the appellants have not made out a case.

6. Accordingly, LPA stands dismissed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2025
Transmission Date	NA

