

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.242 of 2020

In
Civil Writ Jurisdiction Case No.243 of 2013

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Tarique Anwar

... .. Appellant/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Jibendra Mishra
For the Respondent/s : Mr.S.S.Tiwary, Ac to Aag 15

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

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

4 15-05-2025

Re:I.A. No. 01 of 2020

Heard I.A. No. 01 of 2020, there is a delay of about 04 years and 318 days in assailing the learned Single Judge order dated 23.03.2015 passed in CWJC No. 243 of 2013, in Para 5 to 8 it is stated as under:-

“5. Learned counsel for the petitioner; therefore, has submitted that the respondent Mukhia by passing the impugned order of termination has virtually acted on the dictation given by the Block Development Officer and the District Education Officer as is also clearly born out from a bare perusal of the impugned order of termination of the petitioner.

6. Per contra, learned counsel for the State, while defending the impugned order has raised the plea of the writ petitioner not being not maintainable on account of the petitioner not exhausting the statutory



alternative remedy by making the Tribunal against the impugned order.

7. He has also submitted that the issue raised by the petitioner cannot be examined in isolation, inasmuch as, in Katihar district, a large number of Panchayat Teachers were appointed by giving credit of 20 points/marks in complete contravention to the provision made in the Rules and somehow such certificate of the Project Director of Child Development Project Committee, Katihar itself had become the subject matter of dispute before the District Teachers Appointment Appellate Authority which initially had wrongly interpreted the order of this Court passed in CWJC No. 17502 of 2008 and its modification in the order dated 21.12.2009 in MJC No. 2100 of 2009. In this regard, he has pointed out that earlier on 27.12.2010, the Tribunal had issued a general direction for recognizing the certificate of Project Director of aforesaid Child Labour Project Committee, Katihar by misreading the order of this Court in the case of Abdur Quadir (supra) and that was later on sought to be clarified by the Tribunal itself on 9.2.2011 and, therefore, whatever actions were taken by the recruiting unit including the Panchayat of the petitioner was only based on such order of the Tribunal.

8. Learned counsel for the State has next contended that the Rules itself had provided the name of specific authorities whose certificate for the purpose of granting 20 weightage points for experience could be recognized and, therefore, when there was also an order of this Court clarifying that in case of Child Labour School functioning under the Welfare Department, only the Director, Child Labour Project Society could have issued a certificate, the experience certificate produced by the petitioner of the so called Project Director at the field level was definitely not fulfilling the criteria of



experience certificate under the Rules. Learned counsel for the State in this regard has not only relied on the averments made in the counter affidavit but also on supplementary counter affidavit which was filed by the Director, Primary Education himself on a direction given by this Court stating clearly that the experience certificate of the petitioner as produced by him did not fulfil the requirement of the Rules for being given twenty weightage points.”

2. Reading of the aforementioned pleadings, it is evident that appellant seems to be a fence sitter. That apart he has not furnished reasoned explanation so as to condone the delay of about 4 years & 318 days.

3. Accordingly, I.A. No. 01 of 2020 for condonation of delay of about 4 years & 318 days stands rejected.

4. Resultantly, LPA No. 242 of 2020 stand dismissed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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