

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.192 of 2022
In
Civil Writ Jurisdiction Case No.16080 of 2019

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
4. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
5. The Director, Primary Education, Govt. of Bihar, Patna.
6. The District Magistrate, Siwan.
7. The District Magistrate, Muzaffarpur.
8. The Regional Deputy Director of Education, Saran.
9. The Regional Deputy Director of Education, Muzaffarpur.
10. The District Education Officer, Siwan.
11. The District Programme Officer (Estb.), Siwan.
12. The District Education Officer, Muzaffarpur.
13. The District Programme Officer (Estb.), Muzaffarpur.

... .. Appellants

Versus

1. Bablu Kumar Son of Late Bakram Mishra Resident of Village- Jagatpur Tiwari Tola, P.S.- Basantpur, District- Siwan. Presently posted as Assistant Teacher, Government Upgraded Middle School, Chaughathiya, Block- Bhagwanpur Hat, P.S.- Bhagwanpur Hat, Siwan.
2. Pramod Kumar Singh Son of Late Lalan Singh Resident of Village- Nikhtr Kalar, Ward No.- 7, P.S.- Raghunathpur, District- Siwan. Presently posted as Assistant Teacher, Government Upgraded Middle School, Murarpatti, Block- Raghunathpur, P.S.- Raghunathpur, Siwan.
3. Vinay Kumar Pathak Son of Late Bishwanath Pathak Resident of Village- Barawan, P.O.- Asaon, P.S.- Aandar District- Siwan. Presently posted as Assistant Teacher, Government Middle School, Hussainganj (Boys) Block- Hussainganj, P.S.- Husainganj, Siwan.
4. Md. Tausif Anwar Son of Late IPSI Taufique Resident of Village- Islamia Nagar, Laxmipur, P.O. and P.S.- Siwan, District- Siwan. Presently posted as Assistant Teacher, Upgraded Middle School, Qutubchapra Urdu, Block- Hussainganj, P.S.- Hussainganj, Siwan.
5. Bijyendra Kumar Sharma Son of Late Tal Bahadur Sharma Resident of Village- Sarangpur P.S.- Gautam Budh Nagar (Tarvara), District- Siwan. Presently posted as Assistant Teacher, Upgraded Middle School, Sarangpur, P.S.- Maharajganj, District- Siwan.



6. Sandeep Kumar Pathak Son of Late Surya Deo Pathak Resident of Village- Salahpur, P.S.- Gautam Budh Nagar (Tarvara), District- Siwan. Presently posted as Assistant Teacher, Upgraded Middle School, Bharatpur, Block- Panchrukhi, P.S.- Gautam Budh Nagar Irarvara), District- Siwan.
7. Avinash Pandey Son of Late Prabhakar Pandey Resident of Village- Khampar, Block- Bhatparrani, P.S.- Deoria, District- Deoria, Uttar Pradesh. Presently posted as Assistant Teacher, Government Upgraded Middle School, Sahpur, Nauthan, District- Siwan.
8. Santosh Sinha Son of Late Rabindra Kumar Sinha Resident of Village- Pachlakhi, P.O.- Pachlakhi, P.S.- Siwan, District- Siwan. Presently posted as Assistant Teacher, Government Middle School Panchrukhi, Block- Panchrukhi, P.S.- Panchrukhi, Siwan.
9. Batinath Singh Son of Late Gautam Singh Resident of Village- Nikhti Kalil, Ward No- 7, P.S.- Raghunathpur, District- Siwan. Presently posted as Assistant Teacher, Primary School, Tan, Block- Raghunathpur, P.S.- Raghunathpur, Siwan.
10. Suresth Kumar Sharma Son of Late Rani Balak Sharma Resident of Village- Kishunpur Lauwar, P.O.- Panditpur, P.S.- Janta Bazar, District- Saran. Presently posted as Assistant Teacher, Upgraded Middle School, Badar Jamin, Block- Bhagwanpur Fiat, P.S.- Bhagwanpur Hat, Siwan.
11. Arman Aharnad Son of Late Shah Mohammad Resident of Village- Bhopatpur, P.O.- Jogapur Kothi, P.S.- Jamobazar, District- Siwan. Presently posted as Assistant Teacher, Upgraded Middle School, Mahuari, Panchrukhi, P.S.- Siwan Muffasil, District- Siwan.
12. Rajnarayan Singh Son of Late Rajondra Prasad Singh Resident of Village- Bhikhpur, Bhagwanpur, P.S.- Raghunathpur, District- Siwan. Presently posted as Assistant Teacher, Middle School, Sugar Mill, Siwan. Block- Siwan Sadar, P.S.- Siwan, Siwan.
13. Jitendra Kumar Pandey Son of Latee Chandrashekhar Pandey Resident of Village- Makhnupur, P.O.- Panchrukhti, P.S.- Panchrukhi, District- Siwan. Presently posted as Assistant Teacher, Middle School, Ghanauti, Block- Daraunda, P.S.- Daraunda, Siwan.
14. Shiwa Nand Son of Late Param Hans Pandey Resident of Village- Panchmandira, Anand Nagar, P.S.- Siwan, District- Siwan. Presently posted as Assistant Teacher, Government D.A.V. Middle School, Siwan, P.S.- Siwan, Siwan.
15. Kumari Munni Wife of Rajesh Kumar Singh Resident of Village- Tarwara, P.S.- Gautambudh Nagar, District- Siwan, Presently posted as Assistant Teacher, Government Middle School, Block- Panchrukhi, P.S.- Gautambudh Nagar, Siwan.



16. Suresh Kumar Gupta Son of Late Madeshwar Prasad Resident of Village- Maghar, P.O.- Saghar Sultanpur P.S. Bhagwanpur Hat, District- Siwan. Presently posted as Assistant Teacher Government Primary School, Nagwa, Block- Bhagwanpur Hat, P.S.- Bhagwarwir Hat, Siwan.
17. Subhashchandra Upadhyay Son of Late Umaraw Upadhyay Resident of Village- Jajauli, P.O.- Bansohi, P.S.- Masharakh, District- Saran. Presently posted as Assistant Teacher, Government Upgraded Middle School, Marachi, Block- Bhagwanpur Hat, P.S.- Bhagwanpur Hat, Siwan.
18. Ravishankar Himahshu Son of Late Jagdish Singh Resident of Village- Dharmraj, P.O.- Sudhri, P.S.- Bhagwanpur Hat, District- Siwan. Presently posted as Assistant Teacher, Government Primary School, Bhishampur Chaurashi, Block- Bhagwanpur Hat, P.S.- Bhagwanpur Hat, Siwan.
19. Shashi Shekhar Son of Late Ramjee Rai Resident of Village- Sondhani, P.O.- Sondhani, P.S.- Bhagwanpur Hat, District- Siwan. Presently posted as Assistant Teacher, Government Upgraded Middle School, Mathiya, Block- Basantpur, P.S.- Basantpur, Siwan.
20. Shashi Bhushan Singh Son of Late Bipin Bihari Singh Resident of Village- Nawatola Near School, Bilaspur, P.S.- Bhagwanpur Hat, District- Siwan. Presently posted as Assistant Teacher, Government Upgraded Middle School, Nawatola, Block- Bhagwanpur Hat, P.S.- Bhagwanpur Hat, Siwan.

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Madhaw Prasad Yadaw (GP-23)
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 25-03-2025

Ref: I.A. No. 03 of 2025

Heard I.A. No. 03 of 2025 for condonation of delay in filing L.P.A. No. 192 of 2022. Cause of action accrued to the Appellants on 06.09.2019 with reference to the order of the learned Single Judge dated 07.08.2019. The



Appellants should have explain the delay from 06.09.2019 to 19.03.2020 in the light of the fact that Covid-19 period commences on 20th March, 2020. Further, there is no explanation from 01.03.2021 to 25.04.2022. The overall delay would be around 06 months in first spell and one month and few days in the second spell.

2. For the reasons stated in the application read with the affidavit, delay of about 953 days in filing L.P.A. No. 192 of 2022 stands condoned.

3. We have heard L.P.A. No. 192 of 2022. The learned Single Judge has allowed C.W.J.C. No. 16080 of 2019 in the light of order dated 11.04.2018 passed in C.W.J.C. No. 7322 of 2017. The learned counsel for the Appellants are not in a position to apprise this Court with reference to the aforementioned decision. Further, he has to apprise this Court whether State has preferred L.P.A. against the order dated 11.04.2018 passed in C.W.J.C. No. 7322 of 2017 or not? That apart, he has to distinguish as to how the present case is different from C.W.J.C. No. 7322 of 2017 decided on 11.04.2018. In the absence of these materials, L.P.A. has been filed. Therefore, the Appellants



have not made out a case.

4. Accordingly, L.P.A. No. 192 of 2022 stands dismissed. Pending I.As, if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.03.2025
Transmission Date	NA

