

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.299 of 2024**

**In**

**Civil Writ Jurisdiction Case No.10836 of 2015**

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1. Laliteshwar Prasad aged about 69 years (Male) Son of Late Bahadur Mandal, resident of Village- Bela, P.O. Lokha, Police Station - Supaul, District - Saharsa.
  2. Tribhuwan Narayan Sah aged about 72 years (Male) Son of Shri Khushi Lal Sah, Resident of village - Sundarpur, P.O. Veena, Via - Supaul, District- Supaul.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Secretary Primary Education, Government of Bihar, Patna.
3. The Director Primary Education Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Koshi Commissioner Saharsa.
5. The Collector, Supaul.
6. The District Superintendent of Education, Supaul.
7. The District Superintendent of Education, Saharsa.
8. The Block Education Officer, Supaul.
9. The Head Master of Kanya Middle School, Dharnipatti, Supaul.

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr. Ashok Chaudhary, Sr. Advocate<br>Mr. Santosh Kumar Verma, Advocate |
| For the Respondent/s | : | AC to AAG 13                                                           |

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**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 : 10-07-2025**

Appellants have assailed the order of the learned Single Judge dated 23.02.2024 passed in CWJC No. 10836 of 2015. The



appellants were initially appointed in the year 1970 in Kanya Madhya Vidyalaya, Dharnipatti, Supaul. The State Government evolved a policy decision in respect of taking over the institutions like Kanya Madhya Vidyalaya, Dharnipatti, Supaul and similar institutions in the year 1981. Such office staffs who were working in the private educational institutions, their services were required to be absorbed after verifying their eligibility. In this process, appellants and some other teaching staffs, their names have not been considered for absorption. In this regard, there was a correspondence among the officials of the State/Institutions/appellants. It has attained finality on 26.05.1986. Thereafter, till the year 2002, the appellants slept over the matter in not invoking appropriate remedy before the concerned forum. In the year 2002, they have filed a writ petition and it was decided on 27.03.2012 with a certain direction, the same was considered and it was adverse to the appellants. To that extent a communication is stated to have been made on 11.03.2013. Feeling aggrieved by the decision of the official respondents, once again appellants have invoked CWJC No. 10058 of 2013 and it was disposed of on 05.08.2014 directing the Principal Secretary, Education Department to proceed after providing opportunity to the petitioners. Thereafter, the Principal Secretary passed adverse



order against the appellants on 15.05.2015. CWJC No. 10836 of 2015 was filed and it was rejected on 23.02.2024. Hence, the present LPA No. 299 of 2024.

2. The appellants had cause of action in the year 1981. If the appellants' grievance of absorption was not considered and their services have been dispensed in the year 1981 as and when the school was taken over, in other words, during the intervening period from the year 1981 to 1986, they are out of service so also they have assailed the decision dated 26.05.1986 in the year 2002. No doubt, the appellants have invoked remedy belatedly, however, from the year 1981 the date on which school was taken over read with absorption of similarly situated persons who have fulfilled eligibility conditions, the appellants have not discharged the duties of the posts held by the appellants in Kanya Madhya Vidyalaya, Dharnipatti, Supaul. Therefore, the appellants have slept over their right to agitate at appropriate time in seeking direction to continue their services subject to absorption. Without resorting to such relief before the appropriate forum, the appellants have not discharged their duties for these many decades, having regard to the fact that they have not discharged the duties of the post, they are not entitled to have the benefit of service and also seek retrospective absorption in the year 2015. In the light of these facts and



circumstances, no interference is called for insofar as order of learned Single Judge dated 23.02.2024 passed in CWJC No. 10836 of 2015. Hence, the present LPA No. 299 of 2024 stands dismissed.

3. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

GAURAV S./-

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