

Ashwini Kumar Vs. the State of Bihar and ors

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Court : Patna

Decided On : May-11-2012

Appellant : Ashwini Kumar

Respondent : The State of Bihar and ors

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Civil Writ Jurisdiction Case No.511 o

1. Ashwini Kumar S/O Sri Virendra Kumar R/O Village- Ambakala, P.S.- Piprahi, District - Sheohar Versus 1. The State Of Bihar through the Principal Secretary Primary and Adult Education Department, Government of Bihar, Patna 2. The Principal Secretary Primary and Adult Education Department, Government of Bihar, Patna 3. The Collector, Sheohar 4. The District Superintendent of Education, Sheohar 5. The Block Development Officer, Piprahi, Distt.- Sheohar 6. Gram Panchayat Raj, Amba North P.S.- Piprahi, District- Sheohar Through Its Mukhiya 7. The Mukhiya, Gram Panchayat Raj Amba North, P.S.- Piprahi, District- Sheohar 8. The Panchayat Sachiv Gram Panchayat Raj, Amba North, P.S.- Piprahi, District- Sheohar 9. Rakeya D/O Md. Sagir Alam R/O Village- Sheikhtoli, Amba North, P.S.- Piprahi, District- Sheohar -----

11. 01.2012 Petitioner is aggrieved by the appointment of Shiksha Mitras in 2003. It appears from Annexure-1 that there was some scrutiny of the appointment by the Collector and he found the appointments made as correct. It is pleaded in paragraph 14 of the writ application that petitioner had filed an application

thereafter before the Collector on 08.04.2003. It is said that the Collector had sent it to the District Superintendent of Education, Sheohar, but he did not take any action. Thereafter petitioner filed an application in the Public Grievances Cell, Sheohar. However, except for his pleading, there is no document on record to show that the petitioners alleged application dated 08.04.2003 was received in the office of the Collector and any action was taken on his application. The next document annexed with the writ application is only a letter of the District Superintendent of Education, Sheohar addressed to the Collector, Sheohar dated 02.02.2009 which refers to some complaint of the petitioner. Obviously this complaint relates to statement of the petitioner that he had filed an application in the Public Grievances Cell, Sheohar. Thus, it is apparent that, even if the petitioner has filed his application before the Collector on 08.04.2003, he sat over the matter for almost six years and another application appears to have been filed in 2009. clearly, after the Rules have come into force and the legal position has changed and all the Shiksha Mitras have become regular Panchayat Teachers, the petitioner has woke up to stake his claim for his appointment on the basis that appointments of Shiksha Mitras made in the process of 2003 were illegal. This Court finds that the writ application suffers from gross delay and laches. The same is therefore dismissed. Arvind/ (J.N. Singh, J.)

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