

IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 354 of 2016
With
I.A. No.6855 of 2017

Manju Devi, wife of Sri Munna Prasad Burnwal @ Munna Kumar, resident of Village – Simradhab, PO- Palonjiya, PS- Birni, District – Giridih

... Appellant

Versus

1. The State of Jharkhand
2. Deputy Commissioner-cum-Chairman, District Literacy Committee, P.O., P.S. & District – Giridih
3. The District Superintendent of Education-cum-Secretary, District Literacy Committee, Giridih
4. The Block Development Officer-cum-Secretary, District Literacy Committee, P.O. & P.S. - Birni, District – Giridih
5. The Block Education Extension Officer, Birni, Giridih
6. Sarita Devi, wife of Devsharan Prasad Sahu, resident of Simradhab, PO- Palonjiya, PS- Birni, District - Giridih

... Respondents

**CORAM: HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE RATNAKER BHENGRA**

For the Appellant: M/s. Anil Kumar Sinha, Advocate
For the Respondents-State: M/s. Atanu Banerjee, G.A.

09/Dated: 31st October, 2017

Per D.N. Patel, A.C.J.

I.A. No.6855 of 2017

1) This interlocutory application under Section 5 of the Limitation Act has been filed by the appellant for condonation of delay of 104 days in preferring the instant Letters Patent Appeal.

2) Having heard learned counsel and looking to the reasons stated in paragraphs 3 and 4 of the interlocutory application, there are reasonable reasons for condoning the delay in preferring the instant Letters Patent Appeal.

3) Accordingly, I.A. No. 6855 of 2017 is allowed and delay in filing the instant appeal is condoned.

L.P.A. No.354 of 2016

4) This Letters Patent Appeal has been preferred by the original petitioner being aggrieved and feeling dissatisfied by a judgment and order delivered by learned Single Judge in W.P.(S) No.3595 of 2015 dated 29th March, 2016, whereby the petition preferred by this appellant was dismissed by the learned Single Judge.

5) Having heard learned counsels for both sides and looking to the facts and circumstances of the case, it appears that the private respondent has been appointed as a Panchayat Female Motivator in Lok

Siksha Kendra, Simradhab, Birni, District – Giridih, whereas, this appellant has not been appointed and, therefore, W.P.(S) No.3595 of 2015 was preferred challenging the appointment of the private respondent – Sarita Devi.

6) Having heard learned counsels for both sides and looking to the facts and circumstances of the case, it appears that previously also, this appellant had preferred a writ petition being **W.P.(S) No.335 of 2013**, which was dismissed by the learned Single Judge vide order dated **24th June, 2015**. Following were the observation of the learned Single Judge in the aforesaid order: -

“Having taken note of the material attendant facts on the pleadings on record, it appears that pursuant to such a recommendation the District Level Literacy Committee was to prepare a merit list and candidates were to be called for interview on 28.7.2011 as is evident from Annexure E dated 14.7.2011, the advertisement in question. It appears that the petitioner did not produce the relevant certificates required at the relevant point of time before the Committee and the certificate of residence has been obtained on 2.8.2011, Annexure 2 after such interview. It also appears from perusal of the report annexed as Annexure A to the counter affidavit that it has been found that the petitioner belongs to village Banpura and her husband Munna Kumar Burnwal has a shop at Simradhab village. The report submitted by a Member of the District Literacy Committee concludes that she has annexed the residential certificate later on, which is contrary to rule and moreover even after the last date of application. She was working as a Sanyojika of the upgraded Primary School, Banpura. The respondent no.6 in due course has also been issued appointment letter on 7.7.2012, Annexure C to her counter affidavit, which is also not under challenge.

Having regard to the aforesaid relevant facts, the claim of the petitioner to be appointed as a Panchayat Female Motivator for the said center is not tenable in law as well as on fact whereas the appointment of the respondent no.6 is not shown to suffer from any illegality or factual infirmity.

Therefore, no interference is required in this writ petition, which is accordingly dismissed.”

(Emphasis supplied)