

File No 1003

AA 6
10/10/14

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Letters Patent Appellate Jurisdiction)

L.P.A. No. 1285 OF 2014

Gunjan KumariRESPONDENTS/APPELLANTS

VERSUS

The State of Bihar and Others.....RESPONDENTS

RELEVANT DATES:

- 8.12.2010 Newspaper publication for counseling of 2nd phase Panchayat teacher.
- 17.12.2010 Memo No.563 issued by the BEEO Kumarkhand Block
- 30.12.2010 Public notice of employment unit for counseling.
- 29.12.2010 Counseling was made by the Employment unit
- 2.2.2011 Appeal filed by the petitioner/respondent no.10 alleging irregularity in connecting dated 30.12.2010.
- 4.3.2011 Complaint filed by petitioner/respondent no.10 before the D.M. alleging irregularity in counseling dated 30.12.2010.
- 31.1.2010 Order of the Learned Tribunal in Appeal No.7/11 and Analogous case.
- 9.5.2012 Order passed in CWJC No.9065/12.

/employment units were fixed simultaneously. Needless to say that candidates having better chance in a unit appear in the said unit and choose to not to appear before another employment unit.

Respondents case:-

Respondents' case is that date of counseling has surreptitiously been shifted as such the writ petitioner failed to appear at the time of counseling and the appellant having lesser marks than the writ petitioner was illegally selected.

Findings of the Court:

The Hon'ble Single Judge while appreciating the order passed in Appeal No.7 modified the order to the extent that the appellate authority shall issue notice to all the candidates included in the counseling list and merit list and shall make fresh selection of the vacancy available and accordingly allowed the writ application.

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Letters Patent Appellate Jurisdiction)

L.P.A. No. 1285 of 2014

In the matter of an appeal Under
Clause X of Appendix E of the
Patna High Court Rule;

And

In the matter of -

Gunjan Kumari, d/o Sri Shyam Kishore Yadav, resident of Village
Sarhad, P.O. Puraini, Block Kumar Khand, District - Madhepura

.....RESPONDENTS/APPELLANTS

VERSUS

1. The State of Bihar
2. The Principal Secretary, Human Resources Development
Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Education Department,
Govt. of Bihar, Patna.
4. The District Magistrate, Madhepura.
5. The District Education Officer, Madhepura.

6. The Block Education Extension Officer, Kumarkhand Block, Madhepura.
7. The Mukhiya, Puraini Gram Panchayat, Kumarkhand Block, Madhepura.
8. The Panchayat Secretary, Puraini Gram Panchayat, Block Kumarkhand, district Madhepura.
9. The District Teacher's Employment Appellate Tribunal, Madhbepura.-----RESPONDENTS/RESPONDENTS
10. Manoj Kumar, son of Sri Satto Yadav, resident of village Rahika Tola, Ward No.12, P.O. Jorgama, P.S. Murliganj, District Madhepura. PETITIONER/RESPONDENTS

To,

The Hon'ble Ms. Justice Rekha M. Doshit, the Chief Justice of the High Court of Judicature at Patna and Her companion Justices of the said Hon'ble Court.

The humble petition on behalf of the petitioner above named;

1. That this Letters Patent Appeal is directed against the order dated 9.5.2012 passed in the connecting writ application being CWJC No. 9065/2012 passed by Hon'ble Mr. Justice Jayanandan Singh of this Hon'ble Court whereby the learned Single Judge has

been pleased to allow the writ application erroneously without considering the facts and circumstances.

2. That the petitioner/respondent no.10 moved this Hon'ble Court for following reliefs:-

(I) For issuance of a writ in the nature of certiorari for quashing Order dated 31.1.2012 passed in Appeal No. 7/2011 and other analogous Miscellaneous Appeal cases by the learned District Teacher's Employment Appellate Tribunal has dismissed the case of petitioner due to his non appearance despite the fact that it had decided the common issue of other appellants and allowed their appeals.

(II) For direction upon the learned Tribunal to consider the case of the petitioner afresh in the light of issues decided by it in respect of the appellants by giving him fresh hearing.

(III) For direction upon the respondents concerned to appoint Petitioner on the post of Panchayat Teacher having highest marks (83%) and being at the top position in the merit list of untrained teacher, Backward category-01, in the first panel.

(IV) For direction upon the respondents concerned to remove Private respondent no. 10 (Gunjan Kumari) who has been appointed against the vacant post of Panchayat Teacher against

reserved Backward Category in place of petitioner having much less marks in merit list than the petitioner.

3. That it is relevant to state here that the appellant was selected as Panchayat Teacher by the competent authority and was appointed vide letter no. 8 dated 30.12.2010. Accordingly the appellant joined Girls Primary school Puraini on 8.1.2011. Against the appointment of the appellant the Appellant/Respondent no. 10, the writ petitioner filed appeal being Appeal No.2 of 2011 on various grounds including the ground of surreptitiously shifted the date of counseling and as such the appellant though having lesser marks has been selected.

Copy of General Notice for counseling and appeal filed by the writ petitioner is annexed herewith and marked as Annexure-1 and 2 to this appeal.

4. That it is relevant to state here that notification was issued in the daily Hindustan dated 8.12.2010 whereby the date of counseling has been fixed for 29.12.10 and 30.12.10. Counseling in various educational / employment units were fixed simultaneously. Needless to say that candidates having better chance in a unit appear in the said unit and choose to not to appear before another employment unit.

5. That the appellant being a female candidate confined herself in her Panchayat and was selected.

6. That after filing appeal, the writ petitioner respondent no.10 never choose to place his case before the appellate authority and as such the appellate authority failed to look into his case which was not accompanied by the relevant documents whereas appeal no.7 was allowed.

7. That from the relief portion of the writ application it is crystal clear that the writ petitioner has not filed specific appeal against the order passed in Appeal No.2 of 2011.

8. That the writ application was placed for admission, as it appears from the record, on 9.5.2012. The Hon'ble Single Judge while appreciating the order passed in Appeal No. 7 modified the order to the extent that the appellate authority shall issue notice to all the candidates included in the counseling list and merit list and shall make fresh selection of the vacancy available. The said order has been passed erroneously without considering the facts and circumstances including the fact that the writ petition did not choose to appear before the employment unit to fill up the vacancy of Primary Girls School Puraini. The appellant being the girl student having highest marks during the counseling has been selected.

9. That a candidate who did not appear during the course of counseling, held under the direction of the department and as per the Notification published in the Hindustan dated 8.12.2010, is not entitled for any relief.

10. That initiation of fresh process of selection frustrates the Government policy to conduct counseling simultaneously in different employment unit. Certainly a candidate feeling comfortable for a particular unit shall choose to appear before the said counseling and avoid to appear before another.

11. That in the Girls school a female candidate is given preference over a male candidate. The appellant was a suitable candidate hence has rightly been appointed.

12. That on perusal of the appeal filed by the writ petitioner the allegation is of a deep rooted conspiracy to conduct counseling on 30.12.2010 which is absolutely not sustainable as proper newspaper publication has been made with wide circulation.

13. That learned single judge has miserably been failed to appreciation under a wrong assumption of facts.

14. That the appellant was not aware of the writ application filed by the respondent no.10. The appellant came to know about the impugned order under appeal when a communication was

sent to the office of the District Programme Officer from the Panchayat Secretary with regard to arranging a fresh counseling vide communication dated 21.8.2012. Thereafter the appellant took necessary steps in order to obtain the details.

15. That the writ petitioner has not challenged the order passed in the appeal filed by him being appeal No.2 of 2010.

16. That on perusal of the appeal filed by the writ petitioner the only allegation is surreptitiously the shifting of date of counseling which is absolutely false in view of the general notice issued for the counseling.

17. That Hon'ble Single Judge after hearing the writ petitioner passed the order under appeal only on the presumption that the matter has been remitted to consider the case of the appellant only whereas the writ petitioner's case was not remanded.

18. That the appellant is discharging her duty continuously since 2011, after her appointment made in December 2010.

19. That now the process of selection is being started afresh which shall amount to roll back a train left for the destination at the scheduled time solely to accommodate a late comer which is not proper in as much as the counseling was made on a date fixed and candidates use to choose to use the softer place for their counseling ignoring other place.

20. That it is re-asserted that the writ petitioner choose another place for counseling and did not appear at the employment place in question as such his case remain unconsidered and the case of the candidate present during the course of counseling were taken up.

21. That the appellant has not moved earlier against the impugned judgment and order dated 9.5.2012 before this Hon'ble Court.

Being aggrieved by and dissatisfied with the Judgment and order dt. 9.5.2012 passed in the connecting writ application being CWJC No. 9065/2012 passed by Hon'ble Mr. Justice Jayanandan Singh of this Hon'ble Court the appellant begs to prefer this appeal on amongst others the following

GROUND

- (i) For that the Judgment and order under appeal is bad in law and wrong on facts.
- (ii) For that the counseling for selection was made as per the public notice published in the newspaper dated 8.12.2010.
- (iii) For that the appellant is female candidate and has rightly been selected for the girls school.

- (iv) For that even though the respondent no.10 was not in appeal in appeal no.7 of 2011, he placed reliance on the finding of the said case whereas the case filed by respondent no.10 was dismissed as not pressed.
- (v) For that the writ petitioner respondent no.10 choose a favorite employment centre and did not appear before the Employment unit in question and next in the merit was selected.
- (vi) For that the impugned judgment shall amount to roll back the train from next station which steamed at its schedule departure solely to accommodate late comer.
- (vii) For that the appellant was not aware of the actions of the writ petitioner till he came to know about the communication in between the District Programme Officer and the Panchayat Secretary.
- (viii) For that the allegation so leveled in the writ application is contrary to the stand of the writ petitioner before the appellate authority.
- (ix) For that the Judgment and order is otherwise bad in law and wrong on facts.

It is therefore, prayed that your Lordships may graciously be pleased to admit this appeal, issue notice to the respondents to show cause as to why this appeal be not allowed.

And

After hearing the parties be pleased to set aside the Judgment and order dated 9.5.2012 passed in the connecting writ application being CWJC No.9065/2012 passed by Hon'ble Mr. Justice Jayanand Singh of this Hon'ble Court.

And/Or

Pass such other order or orders as your Lordships may deem fit and proper.

And for this the appellant shall ever pray.

Affidavit

I, Gunjan Kumari, Aged about 37 years, d/o Sri Shyam Kishore Yadav, resident of Village - Sarhad, P.O. Puraini, Block Kumar Khand, District Madhepura, do hereby solemnly affirm and state as follows :-

1. That I am appellant in this case and as such I am well acquainted with the facts and circumstances leading to this case.
2. That contents of this appeal have been read over and have been explained to me in Hindi which I have fully understood.
3. That the annexures are true/Photostat copies of their Respective originals.

Certificate

Certified that the grounds set for above are good grounds for this appeal and undertake to support them at the time of hearing.

My insurrection is that no appeal against the impugned order dated 9.5.12 has been filed before this Hon'ble Court.

Advocate for the Appellant

प्रधान विकास विभाग (गौरी प्रारम्भिक शिक्षक नियोजन)

सरकार के द्वारा द्वितीय शिक्षक नियोजन का हिसाब-अलग नियोजन प्रस्ताव दिनांक-02.08.10 से 12.08.10 तक की तिथि निर्धारित की गई थी। अतिरिक्त नियोजन इच्छाओं को द्वारा नियोजन तिथि को नियोजन प्रस्ताव में ध्यान को ध्यान में रखकर नियोजन की कार्यवाही को समाप्त करने तथा पूर्व की तिथि में नियोजन करने की कार्यवाही/अनंतों को निरस्त कार्यवाही करने का निर्णय लिया गया था।

सरकार के द्वारा सत्यक नियोजन प्रस्ताव की प्राथमिक विधायकियों में पूर्व की घोषित तिथियों को ध्यान में रखते हुए नियोजन इच्छा को लिए लिया गया है। चर्चा पर सेवा प्रदान से अर्थात् पूर्व का नियोजन प्रस्ताव हेतु (गौरी प्रारम्भिक शिक्षक नियोजन) निम्नलिखित तिथि निर्धारित की जाती है:-

- नगर शिक्षक:-**
- नगर शिक्षक/सेवा परिवर्तन - दिनांक-22.12.10
 - नगर पंचायत - दिनांक-24.12.10 एवं 27.12.10
 - ग्राम्य शिक्षक - दिनांक 29.12.10
 - पंचायत शिक्षक - दिनांक-29.12.10 एवं 30.12.10

(गौरी प्रारम्भिक शिक्षक के लिए अलग से निर्देश निर्गत किया जा रहा है।)

ग्राम्य शिक्षक पदाधिकारी-राज-सौदागरान-पदाधिकारी-पंचायत समिति के द्वारा पंचायतों की संख्या निम्नलिखित की संख्या को ध्यान में रखकर तद्विषयक निर्णय लिया जायेगा। जिसकी सूचना पूर्व ही सांख्यिक विभाग को उपलब्ध शिक्षक पदाधिकारी की व्यक्तित्व पर आधारित होगी। जिन में इच्छा रखनेवाले नियमित तिथि को ध्यान में रखा शिक्षा अधीनस्थ की रेट प्राप्त करने के लिये प्रस्ताव पत्रों को पत्राचार के अनुसार पूर्व ही पेश किया जाये।

यदि प्रस्ताव लिखित प्रस्ताव है कि उचित निर्धारित तिथि को ही अर्जाकारियों की प्रतिनिधि कर नियोजन प्रस्ताव निर्धारित तिथि को प्रस्ताव दिया जाये नियोजन प्रस्ताव नहीं होगा। साथ ही उचित निर्धारित तिथियों को नियोजन नहीं किया जायेगा एवं द्वितीय नियोजन की कार्यवाही समाप्त कर ली जायेगी। केवल शिक्षा विभाग के द्वारा प्राधिकार की अन्तर्गत एवं विशेष निर्देशों के अधीन ही कोई नियोजन किया जा सकेगा।

यदि प्रस्ताव में नियोजन प्रस्ताव ग्राम्य शिक्षक पदाधिकारी-राज-सौदागरान-पदाधिकारी तथा पंचायत शिक्षक पदाधिकारी के पदाधिकारी के अन्तर्गत से निर्गत होगा। उचित निर्देश पत्राचार करके ही प्रस्ताव देनी होगी।

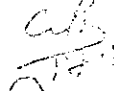
उपरोक्त निर्देशों को ध्यान में रखकर प्रस्ताव प्रदान करने तथा नियोजन की ओर जाने का से निर्गत विभागिक प्रस्ताव दिनांक-13.07.10 को अस्तुता प्राप्त होगी।

(सचिवी कार्यालय)
प्रधान सचिव

दिनांक: 11/12/10

क्र. 563/ कुमायूट दिनांक 17.12.10

विषय - खसी पंचायत नियोजन इच्छा कुमायूट की।
अनुपस्थिति - एवं अनुपस्थिति में।


ज्योति प्रसाद
 कुमायूट

श्रीमान् व्यक्तित्व मन्त्री
जिला शिक्षण निरीक्षण अधिकारी, मधेपुरा

हजारखंड प्रखंड अन्तर्गत ग्राम पंचायत पुरैनी में दिनांक 30-12-2010 को आयोजित काउन्सिलिंग से वंचित करने के सम्बंध में।

नियेदन पूर्वक सूचित कर आग्रह करना है कि मैं मनोज कुमार पिता
श्री कर्तो यादव ग्राम रहिका टोला, पोस्ट-बोरनागा, थाना-प-अपल-सुरतीगंज
मधेपुरा ने कुमारखंड प्रखंड अन्तर्गत ग्राम पंचायत पुरैनी में अप्रशिक्षित अर्थात्

द्वितीय परम पंचायत शिक्षक नियोजन वर्ष 2009 ई0 में नियोजित होने हेतु
नियोजक का अनुभव प्रमाण पत्र संलग्न कर आवेदन किया था। मेरा आवेदन
संख्या क्रमांक 1781 दिनांक 14-11-2009 ई0 है। अनुभव प्रमाण पत्र के आधार पर
संख्या क्रमांक-83-33% है। साथ ही साथ में पिछड़ी जाति के यादव-सनेहकर
के सम्बंध अज्ञात हैं। आवेदन के साथ में प्रैटिकल मूल प्रमाण पत्र, इन्टर का प्रमाण
पत्र, जाति प्रमाण पत्र, अनुभव प्रमाण पत्र (ब्लॉक शिक्षक) सभी छायाप्रति में स्व-उत्तर
सहित आवेदन के साथ संलग्न कर आवेदन दिया था।

मेधा कृपी में अपने कौटिल्य में प्रथम स्थान पर रहने के बावजूद भी
दिनांक 30-12-10 को आयोजित काउन्सिलिंग में शामिल नहीं किया गया। पंचायत
की श्री शशि शंकर सिंह के द्वारा वोट कटकर तोटा दिया गया कि पुरैनी पंचायत
के नियोजन जिला पदाधिकारी मधेपुरा के अधिसूचितार रद्द कर दिया गया है
इसकारण आप वही जाइये काउन्सिलिंग नहीं होगी। इस प्रकार वर्ष 2009 ई0 में भी
दिनांक 20-02-2009 को आयोजित काउन्सिलिंग से वंचित किया गया था
विधवा शिकायत में जिला शिक्षण निरीक्षण अधिकारी, मधेपुरा में वर्ष 2009
में ही कर चुका है जो मान्यता अत्र तक नहीं बन सका रहा है। कुछ सुधार
कर करे जायज कर रुपये के तालम में आकर एक लक्षी कर्मी नियोजित पूर्व जाति
के तहत दिनांक 30-12-10 को आयोजित काउन्सिलिंग में शामिल नहीं किया
गया भी वंचित कर दिया गया।

विरयक्त सूत्रों से पता चला कि पंचायत की श्री शशि शंकर सिंह
नियोजित तिथि 30-12-2010 को ही गोपनीय तरीके से 2 लाख रुपये लेकर अपने
पक्षे अन्यथा दिवका मेधा अंक 72% है, जो मेरे अंक से काफी कम है, का काउन्सिलिंग
छर चुके हैं और सूत्रे 83-33% रहने के बावजूद भी एकजाति के तहत वंचित
किया गया है। सभी कमजोरों की छायाप्रति में प्रमाण त्वरप इत आवेदन पत्र
के साथ संलग्न कर रहा हूँ।

आ: श्रीमान् से कृपया प्रार्थना है कि उपरोक्त बातों पर गंभीरता पूर्वक
विचार करते हुए दोषी पं० तालम श्री शशि शंकर सिंह के उपर उचित कानूनी
कार्रवाई करते हुए मेरा काउन्सिलिंग अर्थात् की कृपा प्रदान की जाय। इसके लिए
श्रीमान् का जदा आभारी रहूंगा।

विषयकमात्र
मनोज कुमार दि- 02-02-2011

पिता श्री कर्तो यादव
ग्राम-रहिका टोला, पोस्ट-बोरनागा
अपल-सुरतीगंज, जिला-मधेपुरा
आवेदन प्रेषित क्रमांक 1781
आवेदन करने की तिथि 14-11-09

दिनांक 02/02/2011

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9065 of 2012

1. Manoj Kumar S/O Shri Satto Yadav R/O Village- Rahika Tola, Ward No.
12, Post Office- Jorgama, P.S.- Murliganj, District- Madhepura

.... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Human Resources Development Department,
Govt. Of Bihar, Patna
3. The Director Primary Education, Human Resources Development
Department, Govt. Of Bihar, Patna
4. The District Magistrate, Madhepura
5. The District Education Officer, Madhepura
6. The Block Education Extension Officer, Kumarkhand Block, Madhepura
7. The Mukhiya, Puraini Gram Panchayat, Kumarkhand Block, Madhepura
8. The Panchayat Secretary Null Puraini Gram Panchayat, Block-
Kumarkhand, District- Madhepura
9. The District Teacher'S Appointment Appellate Tribunal, Madhepura
10. Gunjan Kumari D/O Shri Shyam Kishore Yadav R/O Village- Sarhad,
P.O.- Puraini, Block- Kumarkhand, District- Madhepura

.... .. Respondent/s

Appearance :

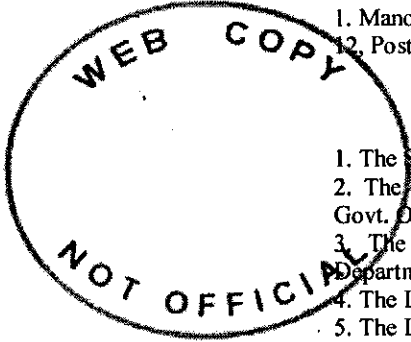
For the Petitioner/s : Mr. Anant Kumar

For the Respondent/s : Mr. Tej Bahadur Singh Aag7

CORAM: HONOURABLE MR. JUSTICE JAYANANDAN SINGH
ORAL ORDER

2 09-05-2012 From the order of the Appellate Authority it appears that it has come to a finding that proper notices were not issued to the candidates having higher percentage of marks and higher in merit. Hence, it has cancelled the appointment of some candidates and has directed for appointment of some of the appellants before it who were having higher marks.

If a proper notice was not issued by the Employment Agency then the entire selection has to be held as vitiated. In the



circumstances the only direction the Appellate Authority could issue to the Employment Agency was to hold a fresh selection by giving proper notice to all the candidates included in the counselling list so that other candidates who may be more higher in the list may also be considered.

The appeal of the petitioner has been rejected by the Appellate Authority on the ground that he had not prosecuted in the appeal before it.

This Court disposes of this writ application with a modification in the order of the Appellate Authority to the extent that the Employment Agency shall issue notice to all the candidates included in the counselling list and merit list and shall make fresh selection on the vacancies available. In the process, the Employment Agency shall be at liberty to consider the case of the petitioner also even if his appeal stands dismissed for default by the Appellate Authority and also the appellants before it.

Arvind/-

(Jayanandan Singh, J)

W
NO

AA 96
10/10/14

IN THE HIGH COURT OF JUDICATURE AT PATNA
(Letters Patent Appellate Jurisdiction)

I.A.No.7062 of 2014

IN

L.P.A. No.1285 of 2014

Gunjan KumariRESPONDENTS/APPELLANTS

VERSUS

State of Bihar and Others RESPONDENTS

INDEX

1.Petition with Affidavit - 1 to 5

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Letters Patent Appellate Jurisdiction)

I.A.No.7062 of 2014

IN

L.P.A. No.1285 of 2014

(Arising out of CWJC No.9065/2012)

In the matter of an application under
section 5 of the Limitation Act.

And

In the matter of :-

Gunjan Kumari, d/o Sri Shyam Kishore Yadav, Resident of Village
Sarhad, P.O. Puraini, Block Kumar Khand, District - Madhepura.

.....RESPONDENTS/APPELLANTS

VERSUS

1. The State of Bihar.
2. The Principal Secretary, Human Resources Development
Department, Govt. of Bihar, Patna.

3. The Director, Primary Education, Education Department,
Govt. of Bihar, Patna.
4. The District Magistrate, Madhepura.
5. The District Education Officer, Madhepura.
6. The Block Education Extension Officer, Kumarkhand Block,
Madhepura.
7. The Mukhiya, Puraini Gram Panchayat, Kumarkhand Block,
Madhepura.
8. The Panchayat Secretary, Puraini Gram Panchayat, Block
Kumarkhand, District-Madhepura.
9. The District Teacher's Employment Appellate Tribunal,
Madhepura.-----RESPONDENTS/RESPONDENTS
10. Manoj Kumar, Son of Sri Satto Yadav, Resident of Village
Rahika Tola, Ward No.12, P.O. Jorgama, P.S. Murliganj,
District. Madhepura. PETITIONER/RESPONDENTS

To

The Hon'ble Ms. Justice Rekha M. Doshit, the Chief Justice of the
High Court of Judicature at Patna and Her companion Justices of
The said Hon'ble Court.

The humble petition on behalf of the
Petitioner above named;

Most respectfully sheweth:-

1. That this is an application for condonation of delay in instant Letter Patent Appeal against the order dated 9.5.12.
2. That even though the petitioner/appellant was a party in the connecting writ application, the petitioner did not get any notice with regard to the connecting writ application.
3. That the impugned order under appeal has been passed in absence of the appellant petitioner though the appellant petitioner was vitally interested party having direct effect of the result of the instant writ application.
4. That the appellant has been selected as Panchayat teacher and has been discharging her duties accordingly. The appeal filed against the selection of the appellant was not pressed and as such stand final however due to the suppression of valuable material facts and information, selection process is being re-opened.
5. That the appellant was not aware of the writ application filed by the respondent no.10. The appellant came to know about the impugned order under appeal when a communication was sent to the office of the District Programme Officer from the Panchayat Secretary with

regard to arranging a fresh counseling vide communication dated 21.8.2012. Thereafter the appellant took necessary steps in order to obtain the details.

6. That the writ petitioner has not challenged the order passed In the appeal filed by him being appeal No.2 of 2010.
7. That the instant appeal has been filed within 30 days from the date of knowledge.
8. That there is no deliberate and willful latches on the part of the petitioner/appellant the delay has been caused due to lack of the knowledge of the information about filing of the writ application.
9. That the appeal involves substantial question of law. The Appellant shall suffer irreparable loss and mental agonies in The event the delay in filing of this appeal is not condoned.

It is therefore prayed that your Lordships may graciously be pleased to allow this application and condone the delay in filing this appeal.

And/Or

Pass such other order or orders as your Lordships may deem fit and proper.

And for this the appellant/petitioner shall ever pray.

Affidavit

I, Gunjan Kumari, Aged about 37 years, d/o Sri Shyam Kishore
Yadav, resident of village Sarhad, P.O. Puraini, Block Kumar Khand,
District-Madhepura, do hereby solemnly affirm and state as
follows:

1. That I am appellant in this case and as such I am well
Acquainted with the facts and circumstances leading to this case.
2. That contents of this appeal have been read over and have
Been explained to me in Hindi which I have fully understood.