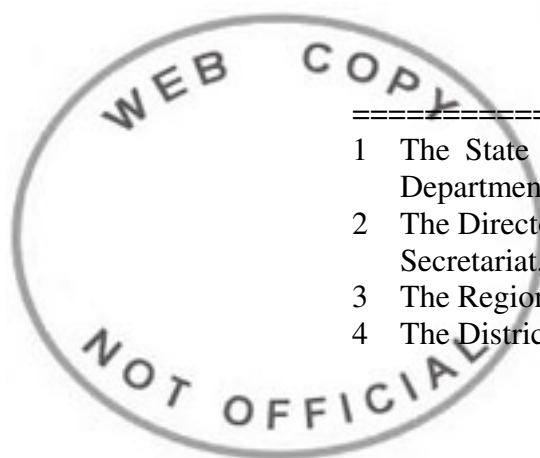




IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No 418 of 2005
IN
Civil Writ Jurisdiction Case No 9703 of 1999

- =====
- 1 The State of Bihar through the Secretary, Animal Husbandry and Fisheries Department, Government of Bihar, New Secretariat, Patna
 - 2 The Director, Animal Husbandry Department, Government of Bihar, New Secretariat, Patna
 - 3 The Regional Director, Animal Husbandry, Saran Range, Chapra
 - 4 The District Animal Husbandry Officer, Chapra
- Appellant/s

Versus

Akhilesh Kumar Jha, son of late Krishna Deo Jha, resident of at and PO - Dahoura, Via – Sakri, PS – Manigachhi, District - Darbhanga

.... Respondent/s

WITH

Letters Patent Appeal No 419 of 2005
IN
Civil Writ Jurisdiction Case No 7136 of 1999

- =====
- 1 The State of Bihar
 - 2 The Secretary to Government of Bihar, Department of Animal Husbandry, New Secretariat, Bihar, Patna
 - 3 Director, Department of Animal Husbandry, Government of Bihar, New Secretariat, Bihar, Patna
 - 4 The Regional Director, Department of Animal Husbandry, North Bihar Region, Muzaffarpur
 - 5 The Deputy Secretary, Department of Animal Husbandry, New Secretariat, Bihar, Patna
- Appellant/s

Versus

Irshad Ahmad, son of Obaidur Rahman, resident of Village – Kadhawalia, PO – Bagahi, PS – Lauriya, District – West Champaran (Bettiah)

.... Respondent/s

=====

For the S t a t e – Appellant – Mrs Namrata Mishra, GA XIII

For the Respondents - Mr V K Kumar, Sr Advocate with
Mr S K Singh, Advocate

=====

CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
And
HON'BLE MR JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 24-04-2015

In both these cases, the solitary issue is whether the Regional Director, Department of Animal Husbandry (AHD) had the jurisdiction and competence to appoint Class III employees in the AHD of Government of Bihar.

There appears to have been divergent views on this question but ultimately the matter came before the Full Bench of this Court in *CWJC No 12904 of 1996* and analogous cases which was decided on 25.11.2014 since reported in the case of *Sri Sashibhushan Kumar & Others –Versus- State of Bihar & Others, 2014 (4) PLJR 761*. The Full Bench held that the appointments, as made by the Regional Director, were wholly illegal and, thus, void ab initio and no exception to be taken to the actions taken by the State Government to terminate the services of such appointees.

That being the legal position, these two Letters Patent Appeals have to be allowed. The judgment and order of the learned Single Judge quashing the orders of AHD terminating the services of the writ petitioners cannot, thus, be upheld. The order of the learned Single Judge is set aside and it is ordered that the writ petitions are

dismissed.

The Letters Patent Appeals are allowed.

(Navaniti Prasad Singh, J)

(Jitendra Mohan Sharma, J)

M.E.H./-

U			
---	--	--	--