

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1711 of 2014

IN

Miscellaneous Jurisdiction Case No. 5410 of 2012

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Raj Mangal Pandey, Son of Sri Ramanand Pandey, R/o Mohalla.-Jay Prakash
Nagar,P.O+P.S+Distt.-Muzaffarpur

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary ,Govt. of Bihar,Patna
2. The Secretary ,Secondary Education,Govt. of Bihar,Patna
3. The Director,Secondary Education,Govt. of Bihar,Patna
4. The Secretary ,Vidyalaya Sewa Board,6th Floor,Biscamaun Tower,West Gandhi
Maidan,Patna Respondents 1st Set/Respondents
5. As Mahammad, Son of Md. Halim R/O Vill.-Mahamadpur,P.O-
Parmanandpur,P.S.-Mahnar,Distt.-Vaishali
6. Jitendra Kumar Singh Son of Sri Awadh Bihari Singh R/O vill.-Bishwatall,P.O-
Kumbhwan,P.S+Distt.-Jehanabad
7. Arvind Kumar Son of Sri Panna Lal Roy R/O Vill+P.O+P.S-Bisfi,Distt.-
Madhubani
8. Braj Kishore Prasad Son of Sri Ram Rup Narayan R/O Mohalla-Chak
Musallahpur,P.O-Mahendru,P.S-Kadam Kuan,Distt.-Patna
9. Jay Kumar Son of Sri Manaki Prasad Singh R/O vill+P.O-Tara Bariyarpur,Distt.-
Begusarai
10. Ram Shankar Sngh S/O Late Yogendra Prasad Singh Resident of vill-Chainpur
Parari,P.O-Ema Bishunpur,Distt.-Muzaffarpur
11. Kedar Roy Son of Sri Ram Sagar Roy R/O vill.-Pojha,P.O-Babhantoli,P.S-
Goraul,Distt.-Vaishali
12. Anshu Kumari W/O Srikant R/O Vill+P.O-Pahleja Barka,Distt.-Saran
13. Brij Kishore Roy Son of Sri Navdeep Roy R/O Vill+P.O-Mohanpur,P.S-
Patory,Distt.-Samastipur
14. Hira Lal Pandit Son of Bani Lal Pandit Resident of vill+P.O-Maheshpur,P.S-
Bhagwanpur,Distt.-Begusarai
15. Rameshwar Roy S/O Late Nika Roy Resident of vill+P.O-Meyari via-
Dalsingsarai,Distt.-Samastipur
16. Bhaskar Kiran Son of Sri Basudeo Mehta Resident of vill+P.O-Kiranpur,P.S-
Medani Chowki,Distt.-Lakhisarai
17. Gorakh Ram Son of Sri Mishri Ram Resident of vill.-Orsi,P.O-Dhangawon,P.S-
Tarari,Distt.-Bhojpur
18. Krishna Singh S/O Sri Ram Bilash Singh Resident of vill.-Dudhaila,P.O+P.S-
Jamhor,Distt.-Aurangabad
19. Naresh Yadav Son of Sri Basudeo Yadav Resident of vill.-Ranhan,P.O-
Mahadeo Simaria,P.S-Sikandra,Distt.-Jamui
20. Madhu Kumari D/O Bindeshwar Prasad Singh Resident of Mohalla.-
Chiraiyatand,Khas Mahal,Road no.2,P.S-Jakkanpur,Patna
21. Dharam Prakash Paswan Son of Sri Samundra Paswan, Resident of vill.-
Suaundha,P.O-Paibigha,P.S-Belaganj,Distt.-Gaya
22. Ram Dutta Yadav Son of Sri Dularchand Yadav Resident of vill.+P.O-
Rampatti,Distt.-Madhubani
23. Ram Kumar Singh Son of Sri Ram Briksh Prasad Singh Resident of vill.+P.O-
Jogiyara,P.S-Jalley,Distt.-Darbhanga

24. Kumari Kiran W/O Dr.Bhawesh Gopal Deo Resident of vill.+P.O-Kulharia,P.S-Parbatta,Distt.-Khagaria
25. Sunil Kumar Son of Prof.Ram Binod Singh R/O Mohalla-Alal Patti,P.O-Benta,Distt.-Darbhanga
26. Mrs.Sharmishtha Priti D/O Dr.Tara Shankar Prasad Singh Resident of Mohalla.-Jay Prakash Nagar,P.O+Distt.-Muzaffarpur
27. Dinesh Kumar Son of Ram Kripalu Kumar Resident of vill.-Jarang Chandrahas Nagar,P.O-Jarang Deodhi,P.S-Gaighat,Distt.-Muzaffarpur
28. Mahendra Prasad Son of Sri Dev Nandan Prasad Resident of vill.-Kaushik Nagar,P.O-Mai,P.S-Hilsa,Distt.-Nalanda

....Petitioners- Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Kant Singh
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-02-2015

I A No. 9671 of 2014

This interlocutory application under Section 5 of the Limitation Act is filed with a prayer to condone the delay of 304 days in preferring this Letters Patent Appeal.

In view of the reasons mentioned in the petition and the submission made in support thereof, this application is allowed. The delay caused in preferring the appeal is condoned.

I A No. 9671 of 2014 stands disposed of.

LPA No. 1711 of 2014

This Letters Patent Appeal is filed feeling aggrieved by the order dated 9.10.2013 through which the learned Single Judge refused to set aside the order dated 19.7.2010 through which CWJC No. 1666 of 2002 was dismissed for default.

Heard Sri Krishna Kant Singh, learned counsel for the appellant and Sri Sunil Kumar Mandal, learned Standing Counsel

representing the State.

It is no doubt true that the writ petition was dismissed for default and the appellant has stated the reasons on account of which the learned arguing counsel could not be present before the Court when the case was listed for hearing.

The fact however remains is that the subject matter of this writ petition was selection to the post of teacher in Economics and in compliance with the direction issued in another writ petition, the Department considered the matter and passed order dated 8.8.2013. It is brought to our notice that feeling aggrieved by the said order, the persons who are similarly situated as the appellant, filed writ petitions before this Court.

In that view of the matter, we dispose of this appeal, leaving it open to the appellant to pursue his remedy against the order dated 8.8.2013, if so advised.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

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