

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.100 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 5175 of 2013

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1. The State of Bihar.
 2. The Commissioner-cum-Secretary, Department of Health, Government of Bihar, Patna.
 3. The Director-in-Chief, Health Services, Government of Bihar, Patna.
 4. The Collector, Darbhanga, At P.O. and District - Darbhanga.
 5. The Civil Surgeon-cum-Chief Medical Officer, Darbhanga, At P.O. and District - Darbhanga.
 6. The District Malaria Officer, Darbhanga, At P.O. and District - Darbhanga.

.... (Respondents in Writ Petition) Appellants
Versus

1. Ram Dutt Paswan S/o Late Saryug Paswan resident of Village and Post - Putai, P.S. Manigachhi, District - Darbhanga.
2. Arun Kumar Singh S/o Late Gangai Singh resident of Village and Post - Putai, P.S. Manigachhi, District - Darbhanga.
3. Surya Narayan Mahato S/o Late Bhagwat Mahato resident of Village and Post - Baghaut, P.S. - Manigachhi, District - Darbhanga.
4. Bhagwan Paswan S/o Shri Vishwanath Paswan resident of Village and Post - Putai, P.S. Manigachhi, District - Darbhanga.
5. Madan Kumar Sahu S/o Shri Ram Narain Sahu resident of Village - Hariyath, Post - Bahera, District - Darbhanga.
6. Brahmanand Jha S/o Shri Sharda Nand Jha resident of Village - Moglaha, Post - Misroulia, P.S. - Babu Barhi, District - Madhubani.
7. Bhogendar Jha S/o Buchai Jha resident of Village and Post - Bagaha, P.S. - Manigachhi, District - Darbhanga.

.... Writ Petitioners Respondents

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Appearance:

For the Appellant/s : Mr. Manish Kumar, AC to GP 21.
For the Respondent/s : Mr. Durga Nand Jha with
Mr. Vivek Anand Kumar, Advocates.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 07-04-2016

The order dated 30.01.2014 passed by the learned Single Bench is the subject matter of challenge in the present Letters Patent Appeal. The learned Single Bench has allowed the Writ Petition on the ground that the overage should not be a disqualification for

consideration of daily wagers for their regularization, i.e., overage of such candidates cannot be made a basis for extending the benefit of regularization.

Learned counsel for the appellants fairly submits that similar order was passed in LPA No. 1059 of 2013 (The State of Bihar & Ors. Vs. Md. Zeyaul Hoda).

In view of the said decision, we do not find any merit in the present Letters Patent Appeal. The same is dismissed for the reasons recorded in CWJC No. 13634 of 2005.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Dilip/Anjani.

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