

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.584 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 16462 of 2012
Along with
Interlocutory Application No.2576 of 2015

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1. Krishna Kumar Sinha, son of Sri Rajendra Pd. Sinha, resident of Premanjali, Dr. Narayan Pd. Lane, P.S.- Sultanganj, District-Patna. At present posted as officiating D.F.O., Bhagalpur.
 2. Raj Kumar Jha, son of Late Sri Sushil Chandra Jha, resident of New Colony, Khaja Sarai, P.S.- Bahadurpur, District- Darbhanga. At present posted as Fisheries Extension Officer, Deputy Director Fisheries Office, Laheriya Sarai, Darbhanga.
 3. Prem Kumar Sinha, son of Late Sarjoo Pd. Sinha, resident of village- Nayatola, P.S.-Danapur, District- Patna. At present posted as D.F.O., Director Fisheries office, A- Block, officers Flats, Bailey Road, Patna.
 4. Shailesh Kumar Singh, son of Late Rameshwar Pd. Singh, resident of 203, Anand Palace, New P.P. Colony, Patna-13. At present posted as Assistant Director, Fisheries (Research), Mithapur, Patna.
 5. Rajnish Kumar Sinha, son of Shree Digamber Prasad Sinha, resident of Village- Chandipur, P.O.- Mankanpur, P.S.- Warisaliganj, District- Nawadah. At present posted as Officiating D.F.O., posted at D.D.F. office, Bhagalpur.
 6. Ajay Kumar, son of Late Awadhesh Kumar, resident of New Punai Chak, Harijan Thana Gali, Boring Canal Road, Patna-23, At present posted as D.F.O. cum Chief Executive Officer, Madhubani.
 7. Siya Sharan Singh, son of Ramdahin Singh, Resident of Mohalla- Mainpura, P.S.- Patliputra, District- Patna. At present posted as D.F.O., Kako Road, Jehanabad.

.... Respondents-Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Animal and Fish Resources (Fisheries), Govt. of Bihar, Patna.
3. The Director, Fisheries, Govt. of Bihar, Patna.
4. The Joint Director, Fisheries, Mithapur, Patna.

... Respondents / Respondents 1st Set.

5. Shambhu Kumar, son of Sri Banaras Prasad, resident of Mohalla- Jalalpur, P.S.- Sohsarai, District- Nalanda at Bihar Sharif.
6. Nutan, wife of Mr. Ashok Kumar Thakur, resident of C-56, Srikrishnapuri, P.S.- Srikrishnapuri, District- Patna.
7. Sanat Kumar Singh, son of Sri Upendra Prasad Singh, resident of C/o Santosh Singh, near Church, Colony No.2, P.S.- Katihar, District-Katihar.
8. Bhartendu Jaiswal, son of Sri Birendra Pd. Jaiswal, resident of village- Maheshpur, P.S.- Pipra Bazar, District- Supaul.
9. Shambhu Prasad Nayak, son of Sri Ram Bilas Nayak, resident of C/o Jagdish Niwas, A/13, A.G. Colony, Keshrinagar, P.S.- Rajiv Nagar, District-Patna.
10. Rajiv Ranjan Kumar Singh, son of Dr. Kapileshwar Prasad Singh, resident of Arpana Bank Colony, Phase-II, Ramjaipal Nagar, New Bailey Road, P.S.- Rupaspur, District- Patna.
11. Pramod Bhagat, son of sri Ram Kumar Bhagat, resident of Annapurna Vihar

Apartment, Flat No. 304, Ved Nagar, near Vijay Nagar, Bailey Road, P.S.-
Rupaspur, District- Patna.

12. Manish Srivastava, son of Late Dr. M.P. Srivastava, resident of Rajiv Nagar,
Adhivakta Nagar, P.S.- Gopalganj, District- Gopalganj.

13. Pradip Kumar , son of Sri Dinesh Chandra Singh, resident of village- Pratap
Tand, P.S.- Vaishali, District- Vaishali.

14. Tun Tun Singh, son of Ram Udyog Singh, resident of village- Raghauli, P.S.-
Kamtaul, District- Madhubani.

15. Anita Kumari, wife of Sri Manoj Kumar, resident of Flat No. 203, Yaduvir
Regency, Shekhpora, P.S.- Shastri Nagar, District- Patna.

.... Petitioners- Respondents 2nd Set.

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Appearance :

For the Appellants : Mr. Dhananjay Kumar, Advocate
Mr. Sunil Prasad, Advocate

For the Respondents-State : Mr. M. K. Ambastha, G. P. -14
Mr. Sanjay Kumar Pandey, A.C. to G.P.-14

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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: 24-06-2016

Re.: Interlocutory Application No.2576 of 2016

The application is for condonation of delay of 1 year
and 26 days in filing of the present Letters Patent Appeal.

For the reasons mentioned in the application, we find
that sufficient cause is made out for condonation of delay.
Consequently, we condone the delay in filing of the present Letters
Patent Appeal.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.584 of 2015

The order dated 7th of January, 2014 passed by the

learned Single Judge of this Court is subject matter of challenge in the present Letters Patent Appeal. Though the writ application was dismissed but it was observed that the petitioners can file a fresh application challenging the promotion or merger, whatever it is of persons who had been given benefit in the year 1995.

The grievance of the appellants is that in terms of such liberty, stale claims have been permitted to be raised which affects the rights of the appellants.

There is no adjudication of any right in the order under appeal. If the writ applicants take any action to challenge the promotion/merger, it shall be open to the appellants to raise all pleas, including the delay and laches, which shall be considered by the Court hearing the matter in accordance with law.

With the aforesaid observation/direction, the Letters Patent Appeal stands dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
CAV DATE	N. A.
Uploading Date	28.06.2016
Transmission Date	