

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 937 of 2015

IN

Civil Writ Jurisdiction Case No 9850 of 2008

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Bhagirath Prasad Singh son of Late Anup Lal Singh, Resident of village- Narhipa Anchal, P.S:- Lakahi District:- Madhubani.

.... Appellant/s

Versus

1. The State of Bihar through the Commissioner Darbhanga Division Muzaffarpur.
2. The Collector Madhubani

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dhananjay Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 02-09-2016

This appeal has been listed for condonation of delay in filing the appeal. Delay is condoned.

2 Having perused the order of the learned Single Judge in this intra-Court appeal, we are of the view that the appeal is not maintainable.

3 The writ petitioner/appellant had sought leave to withdraw the writ petition to separately assail the order of the disciplinary authority. Leave was granted. The writ petition having been withdrawn by the petitioner, no appeal would lie against the said order.

4 Shri Dhananjay Kumar, learned counsel for the appellant

then submits that apparently the order, as recorded by the learned Single Judge, does not reflect the true submission as made on behalf of the writ petitioner.

5 Even if that be so then the remedy lies by moving the Court to correct its own record and not by way of appeal. Reference, in this connection, may be made to the decision rendered in the case of *State of Maharashtra –Versus- Ramdas Shrinivas Nayak & Another*, AIR 1982 Supreme Court 1249.

6 This appeal is, thus, misconceived and is dismissed accordingly.

(Navaniti Prasad Singh, J)

M.E.H./-

(Nilu Agrawal, J)

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