

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.727 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 15666 of 2010
Along with
Interlocutory Application No.3077 of 2015

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Santan Giri, S/O Late Tapsi Giri, R/O Vill. - Raji Ghanshyampur, Tole -
Madhuban, P.S. - Aurai, District – Muzaffarpur.

.... Petitioner-Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary Health Department, Government of Bihar, Patna.
3. The Enquiry Committee through its Chairman - cum - Director- in - Chief
Health Services, Bihar, Patna.
4. The Director - in - Chief, Health Services, Bihar, Patna.
5. The Additional Director Health Services, Bihar, Patna.
6. The Deputy Director (Family Welfare) Health Services, Bihar, Patna.
7. The Civil Surgeon - cum - Chief Medical Officer, Darbhanga.
8. The Civil Surgeon - Cum - Chief Medical Officer, Muzaffarpur.
9. The Additional Chief Medical Officer, Muzaffarpur.
10. The In-charge Medical Officer Additional Primary Health Centre, Rampur
Agarway, Aurai, Distt. - Muzaffarpur

.... Respondents- Respondent/s

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Appearance :

For the Appellant/s : Mr. Shanti Pratap, Advocate
Mr. Arvind Kumar Verma, Advocate

For the Respondent/s : None

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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: 21-07-2016

Re.: Interlocutory Application No.3077 of 2015

The application is for condonation of delay of 39 days in
filing of the present Letters Patent Appeal.

2. 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.

3. Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.727 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 2nd of December, 2014 whereby, the writ application filed by the appellant was dismissed.

2. The appellant has sought quashing of an enquiry conducted by Five Members committee wherein, the appointment of the appellant as Health Worker has been held to be on the basis of forged appointment letter not issued from the office concerned.

3. The learned Single Judge has given an opportunity to the appellant to produce his letter of appointment, but what was produced is a typed copy of an alleged appointment letter without signature of any official. Since the appellant has failed to prove his appointment letter and in view of the categorical finding recorded by the Five Men Committee that the appointment of the appellant is based upon forged appointment letter, we do not find that the appellant is entitled to any indulgence in the present intra court appeal.

4. Consequently, we do not find any illegality or irregularity in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal. The same is, therefore, dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
CAV DATE	N. A.
Uploading Date	27.07.2016
Transmission Date	