

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 1944 of 2015

IN

Civil Writ Jurisdiction Case No 10307 of 2010

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Prem Kumar Choudhary S/o Late Mahendra Choudhary, Resident of village-
Shahpur Undi, P.S.- Patori, Panchayat- Chak Salempur, District- Samastipur

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Human Resources, Govt. of Bihar, Patna
3. The Secretary, Department of Personnel and Administrative Reforms, Govt. of Bihar, Patna
4. The Commissioner, Darbhanga Division, Darbhanga,
5. The District Magistrate, Samastipur
6. The District Superintendent of Education, Samastipur
7. The Block Development Officer, Patori, District- Samastipur
8. The Range Education Officer, Mohiuddinagar, District- Samastipur
9. The Mukhia, Chak Salempur Gram Panchayat, P.S. Patori, District- Samastipur
10. The Panchayat Secretary, Chak Salempur Gram Panchayat, P.S. Patori, District- Samastipur
11. District Teachers Employment Appellate Authority through its Member, Samastipur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Rajendra Prasad Singh, Sr Advocate with
Mr Rajeev Kumar Singh, Advocate

For the S t a t e : Mr Ram Subhas Singh, AC to AAG 15

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 04-01-2016

Having heard Shri Rajendra Prasad Singh, learned
Senior Counsel for the appellant, we are of the view that the Letters
Patent Appeal against the judgment and order of the learned Single

Judge dated 14.11.2014 passed in CWJC No 10307 of 2010 is not maintainable inasmuch as the learned Single Judge has not even made an observation much less an order as against the interest of the appellant who was respondent No 12 in the writ proceedings. To the contrary, the learned Single Judge has protected the right of respondent No 12 (appellant herein) by holding that the appellant herein is the highest merit candidate and, as such, could not be non-seated. He was the highest amongst all categories.

2 If, at all, the Tribunal, on remand, has not correctly appreciated the import of the order of the learned Single Judge. That would make the appellant herein aggrieved by the order of the Tribunal and not by the order of the learned Single Judge.

3 It is, in this view of the matter, that we hold that the Letters Patent Appeal is not maintainable. However, the appellant would have liberty of challenging the order of the Tribunal before any appropriate forum as he may be advised.

4 This Letters Patent Appeal, with consent of parties, is, thus, disposed of.

(Navaniti Prasad Singh, J)

(Nilu Agrawal, J)

M.E.H./-

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