

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.995 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 8293 of 2010

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Bipul Bikram, S/o Late Dharendra Kumar, R/o Kawela, P.S.- Parbatta,
District - Khagaria.

.... Appellant

Versus

1. The State of Bihar.
2. District Magistrate, Khagaria.
3. District Superintendent of Education, Khagaria.
4. Block Development Officer, Parbatta Block, District - Khagaria.
5. Block Education Extension Officer, Parbatta Block, District - Khagaria.
6. Tunni Thakur, Mukhiya Gram Panchayat, Kabela, Block - Parbatta, District - Khagaria.
7. Panchayat Secretary, Gram Panchayat, Kabela, Block - Parbatta, District - Khagaria.
8. Appellate Authority, District Teachers Appointment Khagaria, through its Member.
9. Sentu Choudhary, S/o Kajo Choudhary, R/o Village - Balha, P.S.- Parbatta, District - Khagaria.

.... Respondents

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Appearance :

For the Appellant : Mr. Uday Bhanu Roy, Advocate.
Mr. Anant Kumar-1, Advocate.

For the Respondents : Mr. Mayank Rukhaiyar, A.C. to G.A. 1

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

3 22-04-2016

Argument of learned counsel for the appellant is

that the finding recorded by the learned Single Bench that there was wrong assessment of marks of the appellant at the time of his appointment as Shiksha Mitra is not correct, as such wrong assessment is on account of addition of marks in the optional subject but even if marks in the optional subject is not added, the

appellant was eligible and could be appointed as Shiksha Mitra.

2. We find that such an argument cannot be permitted to be raised in the present Letters Patent Appeal as there is no finding of fact recorded by the learned Single Bench on such issue.

3. Therefore, learned counsel for the appellant wishes to withdraw the present Letters Patent Appeal with liberty to approach the learned Single Bench by way of a Review Petition for review of the order on the basis of the argument raised.

4. In view thereof, the present Letters Patent Appeal is dismissed as withdrawn with the liberty aforesaid. However, the grant of liberty shall not be construed as any expression of opinion on the merits of the controversy. As and when appellant invokes the jurisdiction of review of the order passed, the same shall be considered and disposed of in accordance with law.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P.

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