

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.649 of 2014  
Arising out of  
Civil Writ Jurisdiction Case No. 8419 of 2012**

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Ram Chandra Prasad Singh, S/o Late Sukhdeo Ram, R/o Village- Khairatia, P.S. Manuapul, District- West Champaran

.... .... Appellant

Versus

1. The State of Bihar.
2. The Secretary Revenue Board, Government of Bihar, Patna.
3. The Deputy Secretary, Board of Revenue, Govt. of Bihar, Patna.
4. The Member, Board of Revenue-cum-Partipalya Adhakri, Bettiahia Estate, West Champaran.
5. The Manager, Bettiah Estate, West Champaran, Bettiah.

.... .... Respondents

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**Appearance:**

For the Appellant : Mr. Gauri Shankar Thakur, Advocate.  
For the State : AC to AAG-15.  
For Respondent Nos. 4 & 5 : Mr. Binod Kumar, Advocate.

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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: 04-10-2016**

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 28<sup>th</sup> of June, 2012 in C.W.J.C. No. 8419 of 2012, whereby the claim of the appellant claiming the following reliefs was declined.

- (a) For issuance of writ of *quo warranto* for quashing memo no. 693 dated 10.10.2004 issued by respondent no. 3 by which a decision has been taken to pay the arrears of salary to the petitioner on the basis of scale which he was getting before absorption.
- (b) For issuance of writ of mandamus to the respondents directing them to pay the salary on the basis of scale which the petitioner was getting after absorption, on month to month

basis.

(c) For issuance of writ of mandamus to the respondents directing them to pay the arrears of salary to the petitioner w.e.f. April, 2003.

2. As per the facts on record, the appellant submitted an application for appointment in Bettiah Estate in the year 1988. He was appointed on annual basis to work as a peon in General Section on a fixed amount of Rs. 263.50/- per month.

3. The assertion of the appellant is that on 12.08.1991, it was decided to enhance the salary payable to the appellant and also decision was taken to regularize the services of the employees who were appointed before 10.05.1991. Therefore, the appellant claims the benefit of regularization of his services.

4. The Bettiah Estate is being managed by the Board of Revenue as the Court of Wards for the State of Bihar in terms of Section 5 of the Court of Wards Act, 1879. The Bettiah Estate is not a State within the meaning of the Constitution of India as held by Division Bench of this Court in L.P.A. No. 1715 of 2012 (Member, Board of Revenue, State of Bihar cum Ward Tribunal Bettiah Estate & Ors. Vs. Suresh Raut & Ors.) decided on 24.02.2016. Therefore, the appellant has to seek his remedy against the action of the receiver of the Bettiah Estate in accordance with law and not by filing writ applications. Merely because the Board of Revenue is a receiver of the Bettiah Estate cannot enhance the status of Bettiah Estate, as the

State within the meaning of Article 12 of the Constitution of India. The Board of Revenue is receiver for the affairs of the Bettiah Estate, but is not a State amenable to the writ jurisdiction of this Court.

5. The reliance of the appellant on the orders of this Court in CWJC No. 3638 of 2005 (Rajnish Prasad & Ors. Vs. The State of Bihar & Ors.) decided on 22.01.2007 and CWJC No. 1557 of 2010 (Sipahi Prasad & Ors. Vs. The State of Bihar & Ors.) decided on 29.07.2010 is not helpful to the arguments raised. In the aforesaid cases, no such argument was raised as to whether the Bettiah Estate is amenable to the writ jurisdiction of this Court. The Court presumed the writ jurisdiction and passed an order.

6. In view of the above, we find that the invocation of the writ jurisdiction of this Court is misconceived and not tenable and consequently, the present Letters Patent Appeal is dismissed with liberty to the appellant to seek other remedy as is available to him for redressal of his grievance in accordance with law.

**(Hemant Gupta, J)**

**(Ahsanuddin Amanullah, J)**

Mishra/-

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