

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.333 of 2016

In

LPA 1539 of 2014

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Ram Narayan Prasad S/o late Tuni Singh Resident of village- Mansinghpur,
P.S. Nagarnausa , District - Nalanda. presently retired from the post of
Asstt. Teacher, Madhya Vidyalaya, Lodipur, Nagarnausa , Distt. - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Secretary (Principal Secretary), Department of Human Resources Development, Govt, of Bihar , Vikas Bhawan , Bailey Road , Patna.
2. The Director, Primary Education, Govt. of Bihar , Patna.
3. The Collector, Nalanda.
4. The District Superintendent of Nalanda.
5. The Block Development Officer , Nagarnausa, District- Nalanda
6. The Area Education Officer , Noor Sarai , Nalanda.
7. The Incharge Headmistress, Madhya Vidyalaya, Lodipur Nagarnausa, District- Nalanda
8. The Adhyaksha , Vidyalaya Shiksha Samiti , Madhya Vidyalaya , Lodipur, Nagarnausa, District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar No.1

For the Respondent/s : Mr. Pandey S Sahay

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

2 08-03-2016

I.A. No. 773 of 2016:

This application is for condonation of delay in filing the restoration application of Letters Patent Appeal which was dismissed on 27.11.2014.

The petitioner points out that it was a mistake of clerk of the counsel which led to mistake in noting the case for hearing.

Since the mistake is in the office of an advocate, we deem it appropriate to condone the delay in filing the restoration application and restore Letters Patent Appeal No. 1539 of 2014 to

its original number. It is ordered accordingly.

I.A. No. 773 and MJC No. 333 of 2016 are, accordingly, allowed.

LPA No. 1539 of 2014:

The challenge in the present Letters Patent Appeal is an order passed by the learned Single Judge of this Court on 22.04.2011 whereby the challenge to an order of stoppage of two increments with non-cumulative effect remained unsuccessful. The appellant was imposed such punishment on 19th February, 2008 but the writ petition was filed only in the year 2010 after the punishment imposed has run its course and when the increments stood restored.

The minor penalty was inflicted after conducting a regular departmental enquiry. The appellant has invoked the jurisdiction of this Court after completion of penalty. It may be noticed that the appellant could not point out any illegality in the decision making process before imposing minor penalty. In view thereof we do not find any merit in the present appeal. It is accordingly dismissed.

(Hemant Gupta, J)

S.Pandey/-KKSinha

(Ramesh Kumar Datta, J)

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