

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.125 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 18762 of 2012

Along with

Interlocutory Application No. 535 of 2015

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1. Pramod Kumar, S/O Panna Lal Das, Resident of Village - Rajendra Ashram, Police Station - Civil Line, District – Gaya.
 2. Ajant Kumar Das, Son of Late Chandradeo Ram, Resident of Village - Barki Delaha, Police Station - Delaha, District – Gaya.

.... Petitioners-Appellants

Versus

1. The Commissioner, Gaya Division, Gaya.
2. The District Magistrate, Gaya.
3. The Deputy Collector, Nazarat, Gaya.
4. The Deputy Collector, Land Reforms, Gaya.
5. The Principal, Anugrah Narayan Magadh Medical College, Gaya.
6. The Director-in-Chief, Health Services, Bihar, Patna.

.... Respondents-Respondents

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Appearance :

For the Appellants : Mr. Suraj Narain Yadav, Advocate

For the Respondents : Mr. Deepak Kumar, A.C. to S.C.-21

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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: 01-04-2016

Re. : Interlocutory Application No.535 of 2015

The application is for condonation of 273 days in filing of the appeal.

It is explained that the counsel for the appellants did not inform about the dismissal of the case and when the appellants came to know about the decision of the writ application, the appeal has been preferred.

For the reasons mentioned in the application, we find that

sufficient cause is made out for condonation of delay. Consequently, the delay is condoned.

Interlocutory Application stands disposed of accordingly.

Re. : Letters Patent Appeal No.125 of 2015

The challenge in the Letters Patent Appeal is to an order dated 14th of February, 2014 passed by the learned Single Bench of this Court whereby the challenge to the order of termination of services of the appellants have remained unsuccessful.

The appellants were appointed as Peons in view of the fact that they had worked for more 240 days under the State authorities. The appellants produced certificates of having worked from 1996 to 1999 for more than 240 days. In support of such assertion, the appellants relied upon certificates issued by the Deputy Collector Land Reforms, Sadar, Gaya.

In another case, in MJC No.2994 of 2007, a direction was issued by a learned Single Bench of this Court to process the candidature of all the recommended candidates for their appointment and to issue appointment letters to all the eligible candidates. In the process, it was found that the appellants could not produce the record of having received wages for the period but the certificates have been issued by the Deputy Collector Land Reforms. Thus, it was found that the appellants are not entitled to be appointed since they have not worked for the stated period which makes them eligible for appointment against the post of peons.

Learned counsel for the appellants contends that once certificates have been issued by the competent authority, the genuineness thereof cannot be disputed for the reason that the appellants have not been able to produce the supporting documents in proof of payment of wages.

We do not find any merit in the said argument. The certificates are *prima facie* proof of the appellants having worked for the period stated, but if a question arises as to whether the certificate is a genuine or not, the appellants are required to prove that they had worked for the posts and had been paid wages. There is no such corroborative evidence produced by the appellants.

In view thereof, the learned Single Bench has rightly dismissed the writ application filed by the present appellants. We do not find any error in the order passed by the learned Single Bench which warrants any interference in the present intra court appeal.

The Letters Patent Appeal thus stand dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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