

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2012 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 12167 of 2015**

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Raj Kumar Prasad, Son of Late Ganauri Prasad, resident of Village - Rajapur
Akauna, P.S. Nardiganj, District - Nawada.

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Home (Police), Government of Bihar, Patna.
2. The Director General of Police cum Commandant, Bihar Home Guard, Patna.
3. The I.G., Bihar Home Guard, Patna.
4. The District Magistrate, Nawada.
5. The Superintendent of Police, Nawada.
6. The District Commandant, Bihar Home Guard, Nawada.
7. The Officer-in-charge, Nadriganj.

.... Respondents

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Appearance :

For the Appellant : Mr. Krishna Kant Singh, Advocate.

For the State : Mr. Madhuresh Prasad, G.P. 12.

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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: 31-03-2016

Heard learned counsel for the appellant and the State.

2. The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 11th of August, 2015 in C.W.J.C. No. 12167 of 2015, whereby the writ application filed by the appellant was dismissed on the ground of delay and laches.

3. The appellant while working as Home Guard absented from duty in the month of August, 2008. The District Magistrate passed an order of removal of the appellant from service on 06th of January, 2009. Such order was challenged in the writ application in the year 2015 i.e. after more than 6½ years.

4. The learned Single Bench has rightly dismissed the writ application on the ground of delay and laches. The appellant was removed from service on account of absence from duty. Such order was passed in the year 2009. The appellant cannot be permitted to dispute such order of removal after more than six years. We do not find any error in the order passed by the learned Single Bench which may warrant interference in the present intra court appeal.

5. The Letters Patent Appeal is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P./Sujit
N.A.F.R.

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