

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.110 of 2016

IN

Civil Writ Jurisdiction Case No. 7689 of 2015

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1. Amit Kumar Son of Late Jai Narain Lal R/o Village Pakari, P.S. Kalyanpur,
Distt. Samastipur A/pC/o Ashok Kumar Dharampur Amirganj Near B.Ed.
College, Samastipur, P.S. and District Samastipur.

.... Appellant

Versus

1. The State of Bihar.
2. The Principal Secretary, General Administration Department, Bihar, Patna.
3. The District Magistrate, Samastipur.
4. Commissioner Darbhanga Division, Darbhanga.
5. The Collector Samastipur.
6. The Additional Collector, Samastipur.
7. Establishment, Deputy Collector in Charge, Samastipur.
8. District Establishment Department, Samastipur.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Rewti Kant Raman

For the Respondent/s : Mr. P.K.Verma, AAG 4

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 07-12-2016

Heard learned counsel for the parties.

The challenge in the Letters Patent Appeal is an order passed by the learned Single Bench dated 26th November, 2015 in C.W.J.C.No. 7689 of 2015 whereby the appellant was directed to implead the candidates who have been appointed, as party respondents.

Learned counsel for the appellant states that he is not claiming any relief against 142 candidates who have been appointed. He states that he has right to decide as to which parties should be impleaded as



party to the writ application by him. Since the appellant has chosen not to implead the candidate as party respondent there could not be any direction to implead certain candidate. Whether the candidates are necessary party for grant of relief or not may arise for consideration at the stage of final disposal of the writ application and not at an early stage.

We have heard learned counsel for the parties and find that the writ application cannot be forced to implead any person as a party respondent. If a necessary and proper party have not been impleaded, it will be at his own risk.

In view of the said fact, we dispose of the present Letters Patent Appeal with an observation that it will be open to the appellant not to implead the candidate as party respondent as directed by the learned Single Bench and proceed the writ application with the parties so already impleaded at his own risk.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

A.I./-

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