

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1067 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 16596 of 2012

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Ratneshwar Mishra, S/o Shivanand Mishra, resident of Village- Nonaity, P.O. +
P.S. -Sonbarsa, Distt.- Saharsa.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Secretary/ Principal Secretary, Revenue & Land Reforms Department,
Govt. of Bihar, Patna.
3. The Deputy Secretary, Revenue & Land Reforms Dept. Govt. of Bihar, Patna.
4. The Joint Secretary, Vigilance Dept., Govt. of Bihar, Patna.
5. The Commissioner, Purnea Division, Purnea.
6. The District Magistrate, Purnea.
7. The Circle Officer, Rupauli, Purnea.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar Verma with
Mr. Suman Kumar Verma, Advocates

For the Respondent/s : Mr. Kaushal Kumar Jha, AAG 8

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 09-11-2016

The appellant challenged his dismissal by order
dated 17th August, 2015 in C.W.J.C. No. 16596 of 2012. The writ
application was admitted for hearing on 6th January, 2014. It was

also ordered that the appellant is free to mention for early hearing/ resumption of hearing, when the Vigilance Case pending against the appellant comes to an end.

The appellant filed Letters Patent Appeal No. 440 of 2014, against the said order which was disposed off on 31st March, 2014 wherein it was ordered that pendency of Vigilance Case does not create impediment or bar to the hearing of the writ petition. Thus, the appeal was disposed of by permitting the appellant to mention for early hearing of the writ petition. It is thereafter, the impugned order has been passed by the learned Single Bench refusing to give priority hearing/ resumption of hearing in view of the fact that the termination matters of the year 2000 is pending.

The present Letters Patent Appeal is directed against an order whereby the request for priority hearing/ resumption of hearing was declined. We find that no *lis* was decided by the learned Single Bench which will confer a right of appeal to the Letters Patent Bench.

Still further, the learned Single Bench has not granted priority hearing/ resumption of hearing in view of the fact that earlier termination matters are pending. We do not find any error in the order passed by the learned Single Bench refusing to give priority hearing/resumption of hearing of the writ application filed by

the appellant challenging his dismissal which may warrant any interference in appeal as the appeal is directed against an interlocutory order.

Accordingly, the Letters Patent Appeal stands dismissed.

(Hemant Gupta, ACJ)

P. Kumar/Anjani

(Ahsanuddin Amanullah, J)

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	
Transmission Date	