

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 1128 of 2013

IN

Civil Writ Jurisdiction Case No 7141 of 2013

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Sakaldeo Malakar S/O Late Musaru Malakar Resident Of Village- Rajaura, P.O.-
Ahok, P.S.- Sahebpur Kamal, District- Begusarai (Bihar)

.... Appellant/s

Versus

1. The State Of Bihar through the Chief Secretary, Bihar, Patna
2. The Principal Secretary, Mines and Geology Department, Bihar, Patna
3. The Director, Mines and Geology Department, Bihar, Patna
4. Deputy Director, Mines and Geology Department, Bihar, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Ranjeet Kumar Singh, Advocate

For the Respondent/s : Mr Ashutosh Ranjan Pandey, AAG XV with
Mr Rakesh Narayan Singh, AC to AAG XV

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 23-09-2016

Delay in filing the appeal is condoned.

2 This intra-Court appeal arises from the judgment and order dated 03.05.2013 passed in *CWJC No 7141 of 2013* (Sakaldeo Malakar –Versus- State of Bihar & Others).

3 The appellant, who was the writ petitioner, was on his own saying, dismissed from service in the year, 1991 on the ground that he had been appointed illegally on an unsanctioned post. He could not even produce his appointment letter. He claimed to be a daily wager.

He filed writ petition challenging his dismissal, as made in the year 1991, for the first time, in the year, 2009 that is after 18 years of dismissal. The matter was remanded to the authorities for consideration who have considered the whole matter and held his appointment to be an illegality. At this stage, he claimed that he had been working since 1973. The contradictions are humorous. He claims that his year of birth is 1959. If we accept this, then in 1973, he would be of 14 years of age when he says he started working in Government service. If it is taken that his age in 1973 was 18 years then his year of birth would be 1955 and, thus, he will be over 60 years by now. The authorities found his appointment to be a rank illegality and rejected his claim. Learned Single Judge has accepted the findings of the authorities as there was nothing that could be challenged by the petitioner on factual issues.

4 The writ petition being dismissed, we having heard the parties and considered the submissions, hold that no case is made out for interference in this intra-Court appeal.

5 This appeal is also, accordingly, dismissed.

(Navaniti Prasad Singh, J)

(Nilu Agrawal, J)

M.E.H./-

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