

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.432 of 2015**  
**Arising out of**  
**Civil Writ Jurisdiction Case No. 4948 of 2007**  
**Along with**  
**Interlocutory Application No.2010 of 2015**

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Manoj Kumar Rai, aged about 27yrs, son of Ram Pratap Rai, resident of Village - Kusail, P.O. - Bhitha Dharampur, P.S. - Pupri, District - Sitamarhi.

... .... Intervenor/ Appellant

Versus

1. Vinod Kumar, son of Sri Kishori Das, resident of village - Bedaul, Via - Janakpur Road, P.S. - Pupri, District - Sitamarhi.

... .... Petitioner-Respondent 1<sup>st</sup> Set.

2. The Union of India through - Ministry of Railways, Rail Bhawan, New Delhi.

3. The State of Bihar.

4. The General Manager, East Central Railway, Hazipur.

5. The Director General, Railway Protection Force, C.G.O., Complex Lodhi Road, New Delhi.

6. The Divisional Security Commissioner R.P.F., E.C. Railways, Danapur.

7. The Chief Security Commissioner R.P.F., E.C. Railways, Danapur.

8. The District Magistrate, Sitamarhi.

9. The Sub-Divisional Officer, Pupri, Sitamarhi.

10. The Circle Officer, Pupri, Sitamarhi.

.... .... Respondents/Respondents II set.

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**Appearance :**

For the Appellant : Mr. Surendra Kishroe Thakuar, Advocate  
Mr. Devendra Kumar, Advocate

For the Respondents : Mr. Anjani Kumar, A.A.G.-6

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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: 20-06-2016**

Re.: Interlocutory Application No.2010 of 2015

The application is for condonation of delay of 22 days in filing of the present appeal.

For the reasons mentioned in the application, we find that

sufficient cause is made out for condonation of delay. Consequently, we condone the delay in filing of the present Letters Patent Appeal.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.432 of 2015

The appellant was not a party to the writ application. The writ application has been allowed by the learned Single Bench of this Court on 4<sup>th</sup> of July, 2014 holding that respondent no.1 belongs to *Bedia* caste which is a scheduled tribe and, thus, directed the official respondents to proceed with the process of appointment.

The applicant-appellant claims that it was his complaint which led to an enquiry into the caste of the private respondent and, therefore, he has a right to file an appeal against the order passed by the learned Single Bench of this Court.

Admittedly, the appellant is not a competing candidate. In the absence of any claim of the appellant for the post against which the private respondent has been appointed, we do not find that the appellant can be permitted to dispute an order passed by the learned Single Bench of this Court which has been passed after considering the conflicting reports regarding the caste of the private respondent. The Learned Single Judge found that, in fact, the private respondent belongs to a caste which is a scheduled tribe.

In view thereof, we do not find any reason to allow the

appellant to prefer the present Letters Patent Appeal. Consequently, the Letters Patent Appeal stands dismissed.

**(Hemant Gupta, J.)**

**(Ahsanuddin Amanullah, J.)**

Sunil/-

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