

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 1537 of 2014

IN

Civil Writ Jurisdiction Case No 19215 of 2012

=====

Anil Kumar Mishra Son of Shri Nand Kumar Sharma Resident of Village - Shitalpur, P.S. Daudpur, District - Saran, Presently residing near the Ideal Public School, Ruhi Chhavani, P.S. - Bhagwan Bazar, District - Saran, Chapra, Pin - 841301.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, P.H.E.D. Bihar, Patna.
3. The Superintending Engineer, P.H.E.D. Circle Saran at Chapra.
4. Mahanth Yadav Son of Shri Sudama Yadav Resident of Village + P.O. - Kasaura, P.S. - Bansdih Road, District - Balia (U.P.).

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr Shashi Shekhar Tiwary, Advocate

For the State : Mr Dharmendra Kumar Singh, AC to GP 5

=====

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: 08-01-2016

Delay in filing the appeal is condoned.

2 With consent of parties, this appeal has been heard finally for its disposal at this stage itself.

3 The appellant had moved this Court against his removal by filing *CWJC No 2640 of 1999* in which counter affidavits were filed and, thereafter, it stood dismissed for default on 15.01.2004. He had sought setting aside of his removal order and regularization. He took

no steps for restoration of his writ application instead filed the present writ application being *CWJC No 19215 of 2012* which has been dismissed by the learned Single Judge by order dated 13.01.2014 virtually on ground of constructive res judicata.

4 Considering the fact that the appellant was removed in the year, 1999 and we are in the year 2016, we are not inclined to interfere and entertain this appeal. It is, accordingly, dismissed.

(Navaniti Prasad Singh, J)

M.E.H./-

(Nilu Agrawal, J)

U			
---	--	--	--