

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1684 of 2015

IN

Civil Writ Jurisdiction Case No. 3146 of 2013

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Gyani Pandey Driver, Bihar State Board of Religious Trusts S/o late
Dharam Nath Pandey Resident of Village: Baluhipur (Near Panchit
Dalan) P.O. Arrah, District Bhojpur Pin-802 301. Appellant

Versus

1. The Bihar State Board of Religious Trusts through the Administrator
Cum Special Officer, Vidyapati Marg, Patna 800 001

2. The Chiarman, Bihar State Board of Religious Trusts, Vidyapati
Marg, Patna 800 001.

3. Superintendent, Bihar State Board of Religious Trusts, Vidyapati
Marg, Patna 800 001. Respondent

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr. Shekhar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 05-01-2016

Delay in filing the appeal is condoned.

With consent of the parties, heard the matter on
merits. We are not inclined to interfere in the matter. We are
satisfied that no violation of Article 14, 16 and 21 of the
Constitution is made out. The appellant had been engaged as
a driver on probation of the Board of Hindu Religious Trust.
During probationary period, after giving one month notice
and payment, his services were dispensed with. He
challenged this in the writ petition which was dismissed, then

he filed appeal by filing Letters Patent Appeal.

The order clearly shows that when the Bench was not inclined to entertain the appeal he withdrew and filed Review Application before the writ court. The Review Application was also dismissed, and hence, now a second Letters Patent Appeal has been filed.

In our view, even on merits, we are not inclined to interfere in the matter. However, we may also note that this Letters Patent Appeal is also barred by principle of constructive *res judicata*.

The appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajeev/-

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