

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.109 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 10541 of 2015
Along with
Interlocutory Application No. 435 of 2016

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Dr. Prashant Kumar, son of Shri Dharendra Prasad Pandey, resident of village and P.O. Harpur Rewari, Police Station Angarghat, District Samastipur.

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Secretary cum Commissioner, Health Department, Government of Bihar, Patna.
4. The Chairman, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg (Bailey Road), Patna.
5. The Examination Controller, Bihar Public Service Commission, Bailey Road, Patna.

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Tej Pratap Singh, Advocate.

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 19-11-2016

Re.: I.A. No. 435 of 2016

This application is for condonation of delay of 29 days in filing the Letters Patent Appeal.

For the reasons mentioned in the Interlocutory application, we are satisfied that the appellants have shown sufficient cause to seek condonation of delay of 29 days in filing the present Letters Patent Appeal.

Consequently, Interlocutory Application No. 435 of 2016 is allowed and delay of 29 days in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 109 of 2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 31.07.2015 whereby, the claim of the appellant to count his services rendered in Chandragupta Institute of Management, Patna towards experience in Bihar Health Service remained unsuccessful. The appellant initially joined Chandragupta Institute of Management, but was appointed in Bihar Health Service in the year 2014.

The claim of the appellant is that the services rendered by him in Chandragupta Institute of Management, which is State funded institute, should be counted towards experience under the State.

Learned counsel for the appellant could not refer any rule, instruction or policy decision that the services rendered with autonomous body, though funded by the State, can be counted towards experience against the service under the State Government.

In absence of any such rule, instruction or policy, the claim of the appellant was rightly not been accepted by the learned Single Bench.

We do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal.

Accordingly, the Letters Patent Appeal is dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

Mishra

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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