

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.992 of 2017

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St Paul International High School having its office at Laxmi Sadan, North
Mandiri, Patna through its Manager/Director namely Rahbar Abdin son of Sri
Sarwar Abdin Resident of Pushpanjali Complex, Boring Road, Opposite
Police Check Post Patna - 800001.

... .. Appellant/s

Versus

1. The Employees State Insurance Corporation a body of Corporate created
under the Employees State Insurance Act, 1948 having its office at Panchdeep
Bhawan, Jawahar Lal Nehru Marg, Patna through its Deputy Director-cum-
Authorizing Authority. null null
2. The Deputy Director-cum-Authorizing Authority, Employees State Insurance
Corporation, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Gautam Kumar Kejriwal
For the Respondent/s : Mr. Dr. Anshuman, SC to ESIC

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-11-2017

Taking note of the fact that the learned Writ Court
has only relegated the petitioner to take recourse to the statutory
remedy of appeal and in the light of the disputed question of fact as
to whether the appellant failed to avail of the opportunity granted
and did not appear in spite of notices being issued on two
occasions, we see no reason to make indulgence. All these grounds
raised in the appeal can very well be considered by the Appellate
Authority and a decision taken. As no prejudice is caused to the



petitioner by relegating it to the remedy of appeal, we are not inclined to make indulgence into the matter. The appeal is dismissed.

The appellate authority shall take note of the fact that the matter was agitated before this Court in a writ petition and the L.P.A.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
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