

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.622 of 2016

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Subhash Jha, son of Late Indra Mohan Jha, Dariyapur, P.S.- Shahkund Sajaur,
Distt- Bhagalpur, Bihar Subhash Jha Advocate Table No. 3 Portico Central Filing
Patna High Court, Patna

.... Appellant/s

Versus

1. The State of Bihar
2. The Chief Secretary, Government of Bihar
3. The Principal Secretary, Human Resources Development Department,
Government of Bihar.
4. The Joint Secretary, Education Department under Human Resource
Development Department, Government of Bihar
5. The District Magistrate, District- Bhagalpur, Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Subhash Jha, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 06-04-2017

Delay in filing of the appeal is condoned. I.A. No. 4126
of 2016 stands allowed.

2. Appellant was working as a School Teacher and the writ petition was filed making a grievance that he is not being regularized and salary has not been paid to him. However, while doing so, records indicate that the Principal or Headmaster of the School and the District Education Officer and the other District Officers responsible for administering the school were not made party and in view of the same, learned Writ Court dismissed the writ



petition for non-joinder of party.

3. In our considered view, if that be so, interest of justice requires that the learned Writ Court should have granted time to the appellant to implead these officers as party and thereafter decide the writ petition on merit. In not doing so, an error has been committed by the learned Writ Court which warrants correction at this stage in the interest of justice.

4. Keeping in view the aforesaid, we allow this appeal, quash the order dated 25.01.2016 passed by the learned Writ Court in C.W.J.C. No. 14578 of 2015, restore the writ petition to its original file and direct the appellant to implead the concerned persons as party within four weeks and thereafter the Writ Court shall proceed with the matter and decide the writ petition on merit.

5. With the aforesaid, the Letters Patent Appeal stands allowed and disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	08.04.2017
Transmission Date	

