

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.394 of 2016

In
Civil Writ Jurisdiction Case No.22851 of 2013

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1. State of Bihar through Principal Secretary, Department of Finance, Government of Bihar, Patna.
 2. The Senior Superintendent of Police, Patna.
 3. The Inspector General of Police (Budget/Appeal/Welfare), Govt. of Bihar.

... .. Appellant/s

Versus

Raktima Rakshit W/o Shri Brij Mohan Agrawal, R/o Rajiv Nagar, Road No. 24 (0)P.S. - Rajiv Nagar, Patna. (substituted)

1. Krishna Kumar Agrawal
2. Shiv Kumar
3. Vinod Kumar

All are residents of Rajiv Nagar, Road No.24 (0), P.S. Rajiv Nagar, District Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjan Kumar Singh, AC to PAAG 2
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

16 24-11-2017 Heard counsel for the appellants i.e. the State.

There is a delay of one year and 53 days in preferring the appeal. The reason given therein is the usual bureaucratic delay of taking opinion and consultation with various authorities of the department, which in the opinion of the Court, cannot form the basis for indulgence and condonation because if the State is serious about contesting issues, they must show promptness in



their action as well.

The Court has also examined the merit of the decision dated 20.10.2014 by the learned Single Judge. It does not suffer from any infirmity. The entitlement of the late private respondent, the government employee, to beget benefit of 2nd and 3rd ACP (MACP) has been held to be in her favour. The stand of the State was taken into consideration and in absence of any clear requirement of the late employee to pass Hindi noting and drafting examination, the objection so taken was negated by the learned Single Judge. Even on the merits, therefore, there is no substantial question, which is required to be considered.

In view of the same, the limitation petition as well as the appeal stands dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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