

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1057 of 2016
IN
Civil Writ Jurisdiction Case No. 1487 of 2011**

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1. Md. Firoz Khan, Son of Md. Idris Khan, Resident of Nawada Shankarpur, P.S.- Muffasil, District- Munger.
 2. Shamnath Singh, Son of Sri Agindayal Rai, Resident of Village- Balua Ghat, P.S.- Kotwali, District- Munger.
 3. Vijay Kumar Paswan Son of Tunki Paswan, Resident of Village Babua Ghat, P.S.- Kotwali, District- Munger.
 4. Subhash Kumar Mandal, Son of Bishundeo Mandal, Resident of Village- Lal Darwaza, Old Police Line, P.S.- Kotwali, District- Munger.
 5. Kaushal Kishore Mishra, Son of Jaleshwar Prasad Mishra Resident of Village- Bindwara, Police Station- Kasim Bazar, District- Munger.
 6. Anil Kumar Yadav, Son of Brahamdeo Prasad Yadav, Resident of Village- Lal Darwaza, Munger, P.S.- Kotwali, District- Munger.
 7. Md. Samir Sajjad, Son of Late Abdul Azij, Resident of Village- Shah Zubair Road, Munger, P.S. Kotwali, District- Munger.
 8. Vinod Kumar Mandal, Son of Late Kedar Prasad Mandal, Resident of Village- Bari Mirzapur, P.S.- Kasim Bazar, District- Munger.
 9. Suresh Kumar, Son of Sheo Narayan Bhagat, Resident of Village- Laliyadih Lohachi, Kharagpur, District- Munger.
 10. Subodh Kumar, Son of Late Vidya Chandra Modi, Resident of Village- Shyampur, Basudeopur, P.S. Kotwali, District- Munger.

.... Petitioners / Appellants

Versus

1. The State of Bihar
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Deputy Secretary, General Administration Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Munger Division, Munger.
5. The District Magistrate, Munger.
6. The Additional District Magistrate, Munger.
7. The Sub-Divisional Officer (Sadar), Munger.
8. Vivek Kumar, son of Late Deonandan Paswan, Resident of Village- Topkhana Bazae, P.S. Kotwali, District- Munger.
9. Dashrath Kumar, son of Sahdeo Prasad Paswan, Resident of Village- Bari Mahuli Basudeopur, P.S. Kotwali, District- Munger.
10. Bhagwan Das, Son of Banarsi Das, Resident of Village- Sandalpur, P.S.- Kasim Bazar, District- Munger.
11. Dewan Prasad Yadav, Son of Sahadeo Prasad Yadav, Resident of Village- Mahuli Basudeopur, P.S. Kotwali, District- Munger.
12. Dewan Yadav son of Deepu Yadav Resident of Village- Chhoti Kela Bari, P.S.- Kotwali, District- Munger.
13. Vidyanand Sah son of Baleshwar Sah, Resident of Village- Halimpur, P.S.- Naya Ramnagar (Safiyabad), District- Munger.
14. Kiran Kumari Daughter of Late Krishnandan Sahay, Resident of Village- Lallu Pokhar, Dhanuk Tola, P.S.- Kasim Bazar, District- Munger.(Performa Respondents)



.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Raj Kamal, Advocate.
For the Respondent/s : Mr. (Advocate).

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

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 01-12-2017

Heard learned counsel for the appellants and learned counsel for the State.

The Appeal is required to be dismissed and the decision of the learned single Judge dated 08.12.2015 is not required to be interfered primarily for two reasons – (i) that the panel which was prepared relates to the year 2005, based on which, appointments have already been made, and (ii) that the finding has emerged that these appellants had not completed 240 days.

Since decisions have already been made and a new cause of action has arisen, the 2005 panel cannot form the basis for a direction or mandamus for consideration for regularization of these appellants.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04.12.2017
Transmission Date	N/A

