

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1679 of 2013
IN
Civil Writ Jurisdiction Case No. 8174 of 2007**

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Ram Prasad Sah S/O Late Harihar Sah R/O Vill.- Jagarnath Basana, P.O. & P.S.-
Lalganj, District- Vaishali

.... Appellant

Versus

1. The State Of Bihar
2. The Commissioner-Cum-Secretary, Water Resources Development Department,
Govt. Of Bihar, Sinchai Bhawan, Old Secretariat, Patna
3. The Engineer-In-Chief, Water Resources Development Department, Govt. Of
Bihar, Sinchai Bhawan, Patna
4. The Chief Engineer, Water Resources Development Department, Balmiki Nagar,
Patna
5. The Executive Engineer, Tirhut Canal Division No. 2, Bettiah
6. The Deputy Collector, Revenue Division, Gandok Yojna, Bettiah
7. The Executive Engineer, Tirhut Canal Division No. 1, Bettiah In-Charge Of
Revenue Division, Gandok Yojna, Bettiah

.... Respondents

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Appearance :

For the Appellant : Mr. Shree Kant Pandey, Advocate
For the Respondents : Mr. K.K.Jha, AAG-8

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 10-03-2017

Delay of 35 days is condoned. I.A. No. 9267 of 2013 is
allowed.

Since the sole appellant is dead, a substitution petition,
namely, I.A. No. 8202 of 2014 has been filed. The names of legal
heirs have been provided in paragraph 2. Substitution is allowed.

Having heard counsel for the appellants as well as
counsel for the State, the Court fails to appreciate as to why this



appeal was filed in the very first place, because order is in favour of the erstwhile employee and if the post of Daftary, in terms of Annexure-8, was not acceptable to him then he should have fought the battle before the learned single Judge by either asking for a review/modification of the order. The prayer which he is asking for against the decision of the learned single Judge cannot be allowed at this juncture.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
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