

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2074 of 2015
IN
Civil Writ Jurisdiction Case No. 1024 of 2014**

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1. The State of Bihar
2. The District Magistrate, East Champaran at Motihari, District- East Champaran
3. The Superintendent of Police, East Champaran at Motihari, District- East Champaran
4. The Sub-Divisional Officer, Sikrahana, District- East Champaran
5. The Sub-Divisional Police Officer, Sikrahana, District- East Champaran
6. The Officer-In-Charge, Kundwa Chainpur Police Station, District- East Champaran
7. The Deputy Secretary, Home (Police Department), Government of Bihar, Patna.

.... Appellants

Versus

Hajari Lal Prasad Son Of Jayee lal Sah Resident Of Village- Barwakhud, P.S.- Kundwa Chainpur, District- East Champaran

.... Respondent

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Appearance :

For the Appellants : Mr. Mritunjay Kumar, AC to AAG-10
For the Respondent : Mr. Uma Kant Shukla, Advocate
Mr. Rajesh Ranjan, Advocate

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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: 02-02-2017

The delay of one year six months and ten days is sought to be explained as the steps and process, which had been taken at various levels in decision making process of filing the appeal.

The cat is in fact out of the box. The Court is informed by the private respondent's counsel that the reason for filing such a belated appeal is to save the appellants from the embarrassment which they may face in the contempt application, which has been filed, which is M.J.C. No. 239 of 2015.



The Court has even gone through the merits of the order under appeal. The learned single Judge has given a direction to obey the law and the rules governing such appointments after the dafadars and chowkidars became government servants from 01.01.1990.

There was already an earlier adjudication and direction passed in a previous writ application of the year 2000, which was C.W.J.C. No. 4773 of 2000 decided on 07.10.2005, the learned single Judge gave a direction for implementation of the said directives.

The appellant authorities of the State of Bihar are, as it is, on the edge by violating the direction of the year 2005. More than 12 years have gone past now. The subsequent direction dated 18.11.2013 only reaffirms the previous direction. The appeal, in fact, lacks bonafide and has been filed for extraneous reasons rather than to assail the correctness of the decision of the learned single Judge. The appellants, in fact, should be severely dealt with for their conduct.

Appeal has no merit. Therefore, both the limitation petition and the appeal stand dismissed. A cost of Rs.10,000.00 (Ten thousand) will be payable by the State to the Legal Services Committee of the Patna High Court. The cost will be paid by the District Magistrate, East Champaran at Motihari, within a period of



eight weeks from today for filing such frivolous appeals and burdening the system instead of complying with the orders and directions of the Court. If the above amount is not deposited, it will be recovered from his salary.

The District Magistrate would recover from whoever he may like to by fixing the responsibility.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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