

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.791 of 2015

IN

Civil Writ Jurisdiction Case No. 12121 of 2014

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1. State of Bihar through the Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer in Chief Cum Additional Commissioner Cum - Special Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer, Rural Works Department, Government of Bihar, Patna.
4. The Superintending Engineer, Rural Works Department, Works Circle, Sasaram, Rohtas.
5. The Executive Engineer, Rural Works Department, Works Division, Bikramganj, District - Rohtas.
6. The Executive Engineer, Rural Works Department, Works Division, Bhabhua, Kaimur

.... Appellants

Versus

1. Baban Pandey Son of Late Ram Guchhi Pandey, Resident of Village - Jogia, P.O. - Labhai, District - Rohtas.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.

.... Respondents

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Appearance :

For the Appellant/s : Ms. Binita Singh, SC-28
Mr. Siddharth Shankar Pandey, AC to SC-28
For the Respondent/s : None.

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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: 16-08-2017

Despite valid service of notice, nobody represents
the respondent no. 1. Since passing of the order dated
21.07.2014 by the learned Single Judge in the writ



application and during the pendency of the Letters Patent Appeal, certain facts which was not made known earlier has been brought on record which have taken place which includes that a re-tender was done of the work. Even the private respondent participated, he did not bother to challenge the said award of contract. Now the work also stands completed. In support thereof, learned counsel for the State has filed a supplementary affidavit with the concerned documents.

In view of the same, no adjudication is required to be made now. The observation made by the learned Single Judge in the given facts cannot be considered to be a binding precedent.

The Letters Patent Appeal stands disposed of.

(Ajay Kumar Tripathi, J.)

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
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