

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No 1743 of 2015

IN

LPA 360 of 2014

=====

Bal Krishna Sahay, son of late Kripa Shankar Sahay, resident of F/162, South S.K. Puri, Police Station- Sri Krishna Puri, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Road Construction, Government of Bihar, Patna
2. The Principal Secretary, Department of Road Construction, Government of Bihar, Patna.
3. Kishore Kumar Rai Son of Late Kala Nand Roy Assistant Engineer, Local Area Engineering Organization, Works Division, Buxar, Presently Residing at Tara Tower, Flat No. 207, P.S. Shastrinagar, Patna-23.

.... Respondent/s

WITH

Miscellaneous Jurisdiction Case No 2037 of 2015

IN

LPA 360 of 2014

=====

Kishore Kumar Rai

.... Petitioner/s

Versus

- 1 The State of Bihar through the Principal Secretary, Department of Road Construction, Government of Bihar, Patna
- 2 The Principal Secretary, Department of Road Construction, Government of Bihar, Patna
- 3 Kishore Kumar Rai, son of late Kala Nand Ray, Assistant Engineer, Local Area Engineering Organisation, Works Division, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Akashdeep &
Mr Shyameshwar Kr Singh, Advocates
For the State : Mr Kinkar Kumar, SC 27

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-05-2017

These applications have been filed for certain



clarification and modification in the order dated 20th of May, 2015 passed by a Bench of this Court in LPA No 360 of 2014. These applications have been filed on behalf of the interveners who had filed the application for intervention in the pending Letters Patent Appeal. In fact, the interveners were supporting the cause of the employee who was appellant in LPA No 360 of 2014.

2 However, while dealing with the matter in the order passed on 20th of May, 2015 at page 14 of the judgment, the following observations and assertions are made by the Division Bench:

“Sri Kinkar Kumar, learned Standing Counsel No 27 appearing for the State and Sri Bindhyachal Singh and Sri Akashdeep, learned counsels appearing for the interveners submit that the matter pertaining to regularization of the Assistant Engineers, including the appellant assumed finality with the memo dated 28.03.2012 which was issued on the consent of the Assistant Engineers and the appellant cannot seek reopening of the matter. They submit that the matter pertaining to the Engineers in the State of Jharkhand is totally different and there is no comparison between the two.”

3 Learned counsel for the applicants points out that on going through the aforesaid observations made by the Court, an impression is created that the interveners were supporting the case put forth by the State Government before the appellate Court and, therefore, this may create complications to the interveners in future. It is pointed out that if the aforesaid observation is permitted to continue in future, it may create complications to the interveners and, therefore,



these applications have been filed for clarification.

4 Having heard the learned counsel for the applicants, we agree with the contentions advanced by the learned counsel for the applicants. The interveners in LPA No 360 of 2014 were in fact supporting the case of the appellant therein and it is clarified that they were also claiming the same reliefs as were claimed by the interveners in LPA No 360 of 2014 and, therefore, the observations reproduced hereinabove which indicates that the interveners were supporting the argument of the Standing Counsel appearing for the respondents is not correct. This clarification is being made so that the aforesaid observation does not adversely affect the right of the interveners.

5 With the aforesaid observation/clarification, this application is disposed of.

6 This order will read conjointly with the order passed in LPA No 360 of 2014.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2017
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