

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1871 of 2011

In

Civil Writ Jurisdiction Case No.130 of 2006

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1. State of Bihar through the Secretary (Secondary Education), Human Resources Development Department, Government of Bihar, New Secretariat, Patna.
 2. Director (Secondary Education), Human Resources Development Department, Bihar Secondary Education Officer, Bihar Intermediate Education Council Building Budh Marg, Patna.
 3. Regional Deputy Director of Education, Patna Division, Patna.
 4. District Education Officer, Patna.

... .. Appellant/s

Versus

Vijay Kumar S/O Sri Nandu Lal, resident of Village- Sorampur, Police Station- Bikram, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s :

For the Respondent/s : Mr. Niraj Kumar, A.C. to G.A. 10

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-09-2017

Seeking exception to an order dated 06.01.2011

passed by the learned Writ Court in C.W.J.C. No. 130 of 2006, this appeal has been filed by the State Government under Clause 10 of the Letters Patent.

Respondent was appointed in Class-III post by the District Education Officer, Patna on 04.07.1983 and after he had worked for 22 years, a show-cause notice was issued to him in the year 2005 i.e. on 25.08.2005 indicating to him that his appointment is irregular and, therefore, his services were



terminated.

The learned Writ Court took note of various aspects of the matter and found that only because there were some irregularities in his appointment, after a period of 22 years the action taken is unsustainable and interfered with the order of termination.

In doing so, we are of the considered view that the learned Writ Court has not committed any error warranting reconsideration.

The Letters Patent Appeal is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	15.09.2017
Transmission Date	

