

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.759 of 2014
IN
Civil Writ Jurisdiction Case No. 17314 of 2012**

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Savitri Kumari Wife of Late Satyanand Dwivedi Resident of Flat No. 402,
Ravindra Shree Apartment, Road No. 3, Mahesh Nagar, Patna - 24

.... Appellant

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Education, Government of Bihar, Vikash Bhawan, Patna
3. The Director, Primary Education, Department of Education, Government of Bihar, Vikash Bhawan, Patna
4. The District Education Officer, Patna
5. The District Programme Officer (Establishment), Patna
6. The Accountant General, Bihar, Veer Chand Patel Path, Patna

.... Respondents

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Appearance :

For the Appellant : Mr. Bishnu Kant Dubey, Advocate

For the Respondents : Mr. Suman Kumar Jha, AC to AAG-3

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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: 21-03-2017

Heard counsel for the appellant and counsel for the
State.

The learned single Judge has committed no error by
dismissing the writ application on 05.07.2013 keeping in mind the
dismissal of the title appeal where the withdrawal of B.Ed. trained
pay-scale to the husband of the petitioner could not be adjudicated as
the appeal abated.

The parity, which the wife of the erstwhile employee is
looking for, cannot be extended in the background of the litigation



and the declaration of law by a civil Court of competent jurisdiction.

Any interference with the order of the learned single Judge will have the effect of overriding or if not virtually setting aside declaration made by the appellate Court, which is not permissible in the present Letters Patent Appeal.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
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