

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1105 of 2016
IN
Civil Writ Jurisdiction Case No. 9806 of 2015**

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1. Sanjay Kumar Son of Sri Rajmani Singh resident of Mohalla - Lohia Nagar,
P.S. Kankarbagh, District - Patna.

.... Appellant/s

Versus

1. The Bihar Rural Road Development Agency, Patna through the Chief Executive Officer, Bhumi Vikash Bank Building, Budh Marg, Patna.
2. The Chief Executive Officer, Bihar Rural Road Development Agency, Bhumi Vikash Bank Building, Budh Marg, Patna.
3. The Additional Chief Executive Officer, Bihar Rural Road Development Agency, Bhumi Vikash Bank Building, Budh Marg, Patna.
4. The Executive Engineer, Rural Works Division, Mohania, Kaimur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vindhyachal Singh, Advocate
Mr. Rohit Mishra, Advocate
For the Respondent/s : Mr. Sunil Kumar Mandal- SC-3
Mr. Arjun Prasad, AC to SC-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-07-2017

Seeking exception to an order dated 19.2.2016 passed
by the learned Writ Court in C.W.J.C. No.9806 of 2015, this appeal
has been filed under Clause 10 of the Letters Patent.

Finding the appointment in question to be a contract
appointment between the petitioner and the Bihar Rural Road
Development Agency, and holding that if there has been a breach of
contract the petitioner should take recourse to the remedies available



of challenging the breach of contract and for the same the writ petition was not maintainable, the petition has been dismissed.

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

The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15.7.2017
Transmission Date	N/A

