

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.272 of 2015
IN
Civil Writ Jurisdiction Case No. 11298 of 2011**

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Nawal Kishore Prasad Son of Late Raghu Mahto Resident of Mohalla Qr. No. 18
Street 8 Housing Board Colony, P.S. - Barari, District - Bhagalpur.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary Science and Technology, Bihar, Patna.
2. The Principal Secretary Science and Technology Bihar, Patna
3. The Director, Science and Technology Bihar, Patna.
4. The Principal, Govt. Polytechnic College Bhagalpur.

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Siya Ram Shahi, Advocate Mr. Rabindra Prasad Singh Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar G.P.-17 Mr. Arbind Kumar AC to GP-17

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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: 28-06-2017

Heard learned counsels for the parties.

Now a new grievance is being raised by learned counsel for the appellant that recovery has been made from his gratuity etc. after his retirement. These issues were not the issues before the Learned Single Judge. In fact, it seems that because of the payments already made, the counsel chose not to appear as such in the writ application and assist.



Since the Learned Single Judge went by the stand taken in the counter affidavit about the settlement of the post-retiral dues of the appellant and disposed off the writ application, the recovery aspect is not the issue, which can be gone into in this appeal.

Petitioner has remedy within law. He may explore the same.

Appeal is otherwise dismissed, being devoid of merit.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
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