

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.692 of 2017

Arising out of

Civil Writ Jurisdiction Case No.3749 of 2014

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1. Awadhesh Prasad Singh, Son of Sri Bindeshwar Singh, Resident of Village Milkichak Athmalgola, P.S. Athmalgola, District- Patna
 2. Umesh Kumar Singh, Son of Ramprit Singh, Resident of Village Milkichak, Post Rahimpur, P.S. Athmalgola, District- Patna

... .. Appellant/s

Versus

1. The Chief Secretary (State of Bihar), Through The Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna
3. The Commissioner, Patna Division, Patna
4. The District Magistrate, Patna
5. The Additional District Magistrate, I/C IVth Grade Appointment Committee, Patna
6. The Deputy Collector Establishment, Patna Collectorate, Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amarendra Kumar Singh, Advocate
For the Respondent/s : Mr. P.K.Verma, AAG-3
Mr. S.K. Sharma, A.C. to AAG-3

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-09-2017

I.A. No. 5109 of 2017 is an application for condonation of 349 days' delay in filing of this appeal.

Keeping in view the reasons indicated in I.A. No. 5109 of 2017, the same is allowed and delay of 349 days in filing of the appeal is condoned. I.A. No. 5109 of 2017 stands allowed and disposed of.

Heard on the question of admission.



By the impugned order passed on 31.03.2016, two writ petitions C.W.J.C. No. 3749 of 2014 and C.W.J.C. No. 4188 of 2014 were decided by a common order passed. As far as the present appeal is concerned, it arises out of the order passed in C.W.J.C. No. 3749 of 2014. As far as C.W.J.C. No. 4188 of 2014 is concerned, challenging the same impugned order passed by the learned Writ Court on 31.03.2016 L.P.A. No. 1266 of 2016 was filed before this Court and after hearing learned counsel for the parties, this Bench on 28.07.2017 disposed of the appeal in the following manner:-

“Having heard learned counsel for the respondent and on going through the records, we find that the learned Writ Court has only remanded the matter back to the District Magistrate, Patna for re-examination with regard to the fact as to whether petitioner is fulfilling the criteria of having five years experience of 240 days in a year apart from any other Circular or guidelines or policy of the State Government as is applicable in the matter.

The petitioner will have liberty to bring these facts also before the District Magistrate, Patna and the District Magistrate shall evaluate the matter and take a decision within three months from the date of receipt/production of a copy of this order.

With the aforesaid clarification and modification, the order passed, we dispose of the



appeal.”

As the present appeal also arises out of the same order passed by the Writ Court, there is no reason as to why similar benefit, as prayed for, should not be granted to the present appellants also as was granted to the appellants in L.P.A. No. 1266 of 2016.

Keeping in view the aforesaid, this appeal is also allowed and disposed of in terms of the order dated 28.07.2017 passed in L.P.A. No. 1266 of 2016. The case of the appellants shall also be considered within the time frame indicated in the said order in identical manner.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	20.09.2017
Transmission Date	

