IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.605 of 2016
IN
Civil Writ Jurisdiction Case No. 14985 of 2007

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1. Prem Kishore Prasad S/o Late Banwari Lal resident of village - Harsani, P.O. - Laranpur, P.S. Islampur, District - Nalanda, at present residing of Mohalla - Hanuman Nagar near Town Block Office, P.S. Rampur, District Gaya.

.... Appellant/s

Versus

1. The State of Bihar through its Chief Secretary, Old Secretariat, Patna.
2. The Member, Board of Revenue, Govt. of Bihar, Patna.
3. The Land Reforms Commissioner, Govt. of Bihar, Patna.
4. The Director Land Record and Survey, Govt. of Bihar, Patna.
5. The Settlement Officer, Patna.

.... Respondent/s

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Appearance :
For the Appellant/s : Mr. Vinod Kumar, Advocate
For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 01-05-2017

Seeking exception to an order dated 13.7.2015 passed by the learned Writ Court in C.W.J.C. No.14985 of 2007, this appeal has been filed under Clause 10 of the Letters Patent.

2. Petitioner filed the writ petition and wanted correction of an order dated 13.6.2006 and 18.4.2007 showing his date of

initial appointment as 17.8.1981 instead of 26.6.1972. The learned Writ Court examined the matter and found that apart from the fact that the writ petition has been filed after an inordinate delay of time, it was found that the petitioner, even though initially appointed on 26.6.1972, was dismissed from service after a departmental enquiry on 30th of July, 1977 and after orders were passed by the Board of Revenue, he was reinstated in service and in the order passed by the Board of Revenue there was specific direction that intervening period from 26.6.1972 to 17.8.1981 there shall be treated as break in service, for this period the petitioner shall not be entitled to any benefit or salary and further a punishment of stoppage of three increments was also imposed upon him by the Board.

3. As the action was taken based on this order passed by the Board of Revenue on 1.6.1982, the learned Writ Court refused to interfere into the matter and we also find no error in the same. The application for treating the petitioner to have been appointed with effect from 7.8.1981 i.e. the date on which he initiated proceedings before the Board of Revenue and in a clarificatory order passed by the Board of Revenue on 1.6.1982 this has been confirmed. The petitioner did not challenge this order dated 1.6.1982 and this having attained finality, the writ Court has not committed any error in

rejecting the writ petition.

4. Finding no merit, the appeal also stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

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