

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2199 of 2015

In

Civil Writ Jurisdiction Case No. 16376 of 2011

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1. The State Of Bihar
 2. The Secretary, Home Department, Govt. of Bihar, Old Secretariat, Patna
 3. The Inspector General of Prison, Bihar, Patna
 4. The Superintendent, Central Jail, Bhagalpur, District- Bhagalpur

.... Appellant/s

Versus

1. Gupteshwar Mishra, son of Bishwanath Mishra, resident of Village + P.O. Keshopur, P.S. Simri, District- Buxar, at present working in Adarsh Central Jail, Beur, Patna.
2. Amrendra Chandra Das, son of Prabhash Chandra Das, resident of Village- Dhauni, P.O. & P.S. Tarapur, District- Munger, at present working in Sub Jail Barh.
3. Mahesh Chandra Yadav, Son of Late Mahabir Prasad Yadav, resident of Village- Bhima, P.O. & P.S. Tarapur, District- Munger, at present working as Adarsh Central Jail Beur, Patna.
4. Braham Shankar Pandey, son of Baldeo Pandey, resident of Village + P.O. Babhangama, Police Station- Barhara, District- Bhojpur, at present working in Adarsh Central Jail, Beur, Patna.
5. Nagendra Nath Mishra, Son of Ram Pravesh Mishra, resident of Village + P.O. Keshopur, P.S. Simri, District- Buxar, at present working in the District Jail, Munger.
6. Harendra Sharma, son of Bhriugu Nath Sharma, resident of Village- Shikarpur, P.O. Shikarpur, Police Station- Machhulia, District- Bettiah (West Champaran), at present working in Central Jail, Gaya.
7. Durga Prasad, Son of Jitan Prasad, resident of Village- Nayazipur, P.O. Narazipur, P.S. Simri, District- Buxar at present working in Central Jail, Purnea.
8. Sanjiv Pratap Singh, son of Sukhdeo Singh, resident of Village- Rahmatpur, P.O. Ashraganj, Police Station-Tarapur, District- Munger, at present working in Sub Jail, Hajipur.
9. Ramji Upadhaya, Son of Late Kashi Nath Upadhaya, resident of Village- Gosainpur, P.O. Mulia, P.S. Buxar, District- Buxar, at present working in Sub Jail, Hilsa.
10. Vikash Pandit, son of Buchai Pandit, resident of Village- Bithi, P.O. & P.S. Sabaur, District- Bhagalpur, at present working in Adarsh Central Jail, Beur, Patna.
11. Anil Kumar Rai, Son of Gauri Shankar Rai, resident of Village- Choukia, P.O.- Khakhian, Police Station- Simri, District- Buxar, at present working in Sub Jail, Danapur.
12. Shankar Choudhary, son of Late Ram Dayal Choudhary, resident of Village- Kuwari, P.O. Madhaul, P.S. Paroo, District- Muzaffarpur, at present working in the district Jail, Aurangabad.
13. Manoj Kumar Singh, son of Laldeo Singh, resident of Village- Umga, P.O. & P.S. Madanpur, District-Aurangabad, at present working in Sub Jail, Sherghati, Aurangabad.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prabhat Kumar, AC to GA 11

For the Respondent/s : None

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

3 03-02-2017 The explanation offered in I.A. No.9523 of 2915 for delay of 332 days as procedural cannot form the basis for such protracted delay in filing the appeal. The said I.A. is dismissed.

The Court has even gone through the impugned order passed by the learned Single Judge, which is dated 18.5.2012, in the writ application. The said decision does not suffer from any infirmity especially when the petitioners had been regularized against sanctioned vacant post as far back as 16.1.1994. The subsequent decision therefore was rightly interfered with when a right had accrued decades ago in favour of the petitioners. The appeal has been filed more to cover the officials, who have been in default in not implementing the order, which was passed in the year 2012, to overcome the contempt initiated against them.

Even the appeal has no merit. Therefore, the limitation petition as well as the appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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