

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1457 of 2016

IN

Civil Writ Jurisdiction Case No. 15797 of 2008

- =====
1. The Chairman Cum Managing Director Bihar State Housing Board having its office at 6 Mangles Road, P.S.- Sachivalaya, District- Patna.
 2. The Secretary, Bihar State Housing Board, 6 Mangles Road, P.S. Sachivalaya, District- Patna.
 3. The Executive Engineer, Bihar State Housing Board, Patna Division No.3, Patna.

.... Appellant/s

Versus

1. Prema Devi, wife of Kiran Shankar Karn, resident of Lok Nagar, P.S.- Jehanabad, District- Jehanabad.
2. The State of Bihar, through the Principal Secretary, Urban Development and Housing Department having its office at Vishweshraiya Bhawan, P.S. Shastri Nagar, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anshuman Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 01-08-2017

Re:-Interlocutory Application No. 5571 of 2016

The Interlocutory Application has been filed for condonation of delay in filing of the appeal.

On the ground mentioned in the Interlocutory Application, the delay in filing of the appeal is condoned.

Accordingly, the Interlocutory Application stands allowed and disposed of.



Re:-Letters Patent Appeal No. 1457 of 2016

Having heard learned counsel for the parties and taking note of the facts and circumstances of the case, we find that learned Writ Court has only directed for consideration of the matter itself within a period of two months from the date of issuance of the order in the writ petition i.e. on 24.06.2014, in accordance to the decision taken by the Housing Board in its Circular, Annexure-C dated 14.09.1977. The direction issued in para 14 of the Writ Petition reads as under:-

“It appears that the case of late Kiran Shankar Karan has not been considered at the first instance by the Housing Board whether his service would fall within four corners of decision of Housing Board dated 14.09.1977 contained in Annexure-C. In such circumstances, I direct the Managing Director of Bihar State Housing Board to consider the case of petitioner’s husband for regularization in the light of letter dated 14.09.1977 preferably within a period of two months from the date of receipt of a copy of this order in accordance with law. It will be open for the substituted petitioner to file any representation with respect to claim of his late husband.”

The direction issued is only to consider and take a decision within a period of two months in accordance with Annexure-C dated 14.09.1977. That being the position, we see no reason to make any indulgence into the matter. The appeal stands dismissed.

However, consideration be now made as directed by the Writ Court within a period of two months from the date of



receipt/production of a copy of this order and decision be communicated to the appellant.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
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