

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.445 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 4772 of 2015**

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1. Kumar Shaurabh Son of Sri Balram Prasad Yadav R/o village- Musharnia, P.O- Gamharia(Rampur), P.s. - Saurbazar, District- Saharsa.
 2. Om Prakash Kumar Son of Kapildeo Prasad Yadav resident of village- Pathraha, P.O. + P.S.- Ghailarh, District- Madhepura.
 3. Bablu Kumar Son of Debo Yadav resident of village- Partaha P.O.- Parhara, P.s. Nauhatta District- Saharsa.

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary State of Bihar at New Secretariat, Punaichak Patna.
2. Principal Secretary Human Resources Development Department New secretariat , Punaichak Patna.
3. Director (Secondary) Education State of Bihar New Secretariat, Punaichak Patna
4. Bihar School Examination Board (Secondary Education) through its Secretary, office situated at Budh Marg Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Diwakar Prasad Singh
For the Respondent/s : Mr.

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT**

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 21-02-2017

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 4.5.2015 in C.W.J.C. No. 4772 of 2015 whereby, the writ application filed by the appellants was dismissed with liberty to take recourse to the rightful remedy of filing another writ application.

2. The grievance of the appellants is that the candidates



lower in merit have been appointed. We find but no such candidate has been impleaded as party respondent in the writ application.

3. In the absence of such candidates, the argument of the appellants that candidates lower in merit has been appointed cannot be examined as it violates the principles of natural justice. In view thereof, we do not find any merit in the present contempt petition. The same is disposed of.

4. However, it shall be open to the appellants to avail the remedy of a writ application by impleading necessary and proper party. As and when such an application is filed, the same shall be considered in accordance with law.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
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