

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1125 of 2013
IN
Civil Writ Jurisdiction Case No. 14838 of 2008**

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Birendra Kumar Keshari Son Of Dayal Sah Presently Working As Panchayat Teacher In Primary School, Kebala, Anchal Pranpur, District Katihar

.... Appellant

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resource Development Department, Government of Bihar, Patna
3. The Director, Primary Education, Department Of Education, Government of Bihar, Patna
4. The District Magistrate, Katihar
5. The District Superintendent of Education, Katihar, District- Katihar
6. The Block Development Officer, Pranpur Block, District- Katihar
7. The Block Education Extension Officer, Pranpur Block, District- Katihar
8. The Mukhiya, Kebala Block, Pranpur, District- Katihar
9. The Panchayat Secretary, Kebal Gram Panchayat, Block Pranpur, District- Katihar
10. Moti Lal Sah S/O Dilip Kumar Sah R/O Haphlaganj, P.O. Sernia, P.S.- Muffasil, Dist.- Katihar

.... Respondents

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Appearance :

For the Appellant : Mr. Tej Bahadur Singh, Senior Advocate
Mrs. Shashi Priya Pathak, Advocate
Mr. B.S.Pandey, Advocate

For the Respondent State: Mr. Tripurari Nath Amabastha, AC to SC-26

For the Respondent No.10: Mr. S.B.K. Mangalam, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 09-01-2017

In terms of the order and direction passed by the learned single Judge in C.W.J.C. No. 14838 of 2008 dated 09.08.2012, the time frame fixed to hold a fresh counselling within two month has already been carried out and implemented as is the stand of the counsel representing the private respondent No.10.

This position is not controverted because learned senior



counsel representing the appellant does not have the inputs about the same.

Since the order of the learned single Judge was passed way back on 09.08.2012, the Court is informed that even the contempt application came to be filed for non-compliance, which was MJC No. 1594 of 2013, the stand of the private respondents seems to be correct.

Since the fresh decision for appointment in favour of the private respondent has already been taken, the argument being made against the order of the learned single Judge has lost its meaning and remains academic.

It is left open to the appellant now to may be assail the appointment of the private respondent. No order is required to be passed in the Letters Patent Appeal interfering with the impugned decision.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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