

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.241 of 2018

In

Civil Writ Jurisdiction Case No.11822 of 2011

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Sri Ram Pathak, Son of Late Sukhdeo Pathak, Resident of Village- Pokharpur,
P.S.- Arwal, District- Arwal.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Government of Bihar, Patna.
2. The Superintending Engineer, South Bihar Circle, Patna, Building Construction Circle, Building Construction Department, Government of Bihar, Patna.
3. The Executive Engineer, Horticulture Division, Building Construction Division Building Construction Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Braj Kishore Singh Chouhan

For the Respondent/s : Mr. Raj Ballabh Pd.Yadav Aag11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

- 3 09-04-2018 In dismissing the writ petition after granting partial relief on account of violation of the principle of natural justice, we see no error or case made out for interference into the matter, for the simple reason that the petitioner is a convicted person and has been convicted for seven years' R.I. for an offence under Section 394 of the Indian Penal Code and merely because the appeal is pending in the High Court, disqualification attached to the conviction is not wiped away, that apart merely because the principles of natural justice were not followed, no



error has been committed in the matter by the learned Court. Even if the rules pertaining to issuance of notice has not been followed, no prejudice has been caused to the petitioner in view of the law laid down in the case of Deputy Director of Collegiate Education (Administration), Madras vs. S. Nagoor Meera 1995(3) SCC 377 wherein the Supreme Court has held that once the conviction is a disqualification, merely because the appeal is pending the effect of conviction is not wiped away on suspension of service; this legal and factual position being admitted, merely because notice is not issued to the petitioner no prejudice is caused to the petitioner, accordingly, we find no error committed by the learned Writ Court warranting interference.

With the aforesaid, we dismiss the appeal.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

N.H./ajay gupta/-

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