

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2330 of 2016

IN

Civil Writ Jurisdiction Case No. 5796 of 2016

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Parmanand Choudhary, Son of Late Jamundhar Choudhary, R/o village -
Madhepur, P.O. Haripur Dihtol, P.S. Kaluahi, District - Madhubani

.... Appellant/s

Versus

1. The State of Bihar through its Secretary, Health Department, Govt. of Bihar, Patna
2. The Director, Health Department Govt. of Bihar, Patna
3. The Joint Secretary, Govt. of Bihar, Patna
4. The District Magistrate, Araria
5. The Deputy Collector (Establishment), Araria
6. The Civil Surgeon Cum Chief Medical Officer, Araria
7. The Regional Additional Director, Health Services, Purnia Division, Purnia
8. The Commissioner Purnia Division, Purnia

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gopal Jha

For the Respondent/s : Mr. Suryadeo Yadav, AAG9

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 12-03-2018

IA No. 9912 of 2016 has been filed for condonation of delay of 123 days in filing this appeal. Having considered the reasons mentioned therein this application stands allowed and the delay in filing the appeal is condoned.

Seeking exception to an order dated 20.07.2016 passed by the learned Writ Court in CWJC No. 5796 of 2016 this appeal under Clause 10 of the Letters Patent has been filed. The learned writ court



has refused to interfere into the matter as the contractual engagement of the petitioner after attaining the age of superannuation was refused to be extended by the competent authority and in doing so, the competent authority has not committed any error.

We also find that a wrong decision for grant of extension of contractual engagement after retirement of the employee was cancelled by the competent authority as the same was not permissible and refusing to interfere into the matter the learned Writ Court has not committed any error. Once after attaining the age of superannuation the petitioner was refused to grant extension for contractual engagement, we see no error in the same.

The appeal is therefore dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

mr.l/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	15.03.2018
Transmission Date	

