

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1123 of 2015

In
Civil Writ Jurisdiction Case No.7139 of 2008

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1. The State of Bihar.
 2. The Director, Integrated Child Development Scheme (I.C.D.S.), Bihar, Patna.
 3. The District Welfare Officer, Sheikhpura.
 4. The Child Development Project Officer, Sheikhpura Block, Sheikhpura.

... .. Appellant/s

Versus

1. Shiv Kumar Tiwary Son of Late Thakur Tiwary, Resident of Village - Dehari, P.O. - Barasolahpur, P.S. - Chandradeep, District - Jamui.
2. The Managing Director, the Bihar State Pharmaceutical and Chemical Development Corporation Limited, 5th Floor, A Block, Maurya Lok, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abbas Haider SC-6 Mr. Ranjay Kumar Singh AC to SC-6
For the Respondent/s	:	Mr. Vasaul Vikash Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 09-02-2018

Heard learned counsel for the State and counsel for the
private-respondents.



Since the decision of the Learned Single Judge, allowing the writ application, extending the age of superannuation of the private-respondents from 58 years to 60 years, was based on many a decisions, which have been taken note of in the order, some of which being the case of Md. Nizam Vs. State of Bihar and Ors., as well as Division Bench's decision, rendered in the case of Lala Nand Kumar Vs. Bihar State Food and Civil Supplies Corporation Limited, reported in 2008 (1) PLJR 579, then we come to the conclusion that there is no error committed, if the law of precedent has been followed in deciding similar matters by the Learned Single Judge.

The submission of the counsel for the State is that yet another decision has been rendered by a Division Bench, in the case of State of Bihar Vs. Chandra Bhushan Chaudhary and Ors., reported in 2016 (1) PLJR 764. Therefore, based on the ratio of the decision rendered by the Division Bench, the order of the Learned Single Judge has to be interfered with.

The Learned Single Judge's decision is dated 16.05.2014. If any other decision, which has been rendered in the year 2016, which in terms have been based on the ratios of cases dealt with in the judgement and which hold the field, that cannot be used as a ground for setting aside the impugned order.



The appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
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