

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1217 of 2016

In

Civil Writ Jurisdiction Case No. 11564 of 2011

- =====
1. The State of Bihar through the Inspector General, Registration, Government of Bihar, Patna
 2. The District Magistrate - Cum - District Registrar, Sitamarhi
 3. The Sub - Registrar, Registration Officer, Sitamarhi

.... Appellant/s

Versus

Arjun Pandit Son of Late Prayad Pandit, Resident of Chak Mahila, P.S. Sitamarhi, District - Sitamarhi

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anjani Kumar, AAG-4
For the Respondent/s : Mr. Baban Kumar Chaudhary, Advocate
Mrs. Kumari Khushboo, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

8 17-01-2018 Taking note of the fact that the learned Writ Court had decided the writ petition based on an earlier order passed in C.W.J.C. No.1172 of 2003, decided on 10.8.2007, this judgment has attained finality as the State Government has implemented the same without filing an L.P.A. and further the contention of learned counsel now being made before us that while the effect of an earlier Division Bench judgment on the issue has not been considered, cannot be accepted for the simple reason that in the order passed on 10.8.2007 the Division Bench judgment in the



case of Awadhesh Tiwary and others vrs. The State of Bihar and others has not been taken note of and thereafter it has been held that the said judgment will not apply in the facts and circumstances of the case because the amendment brought into force with effect from 25.3.1991 cannot be given effect to until and unless statutory rules for implementing the amendment are not framed and, the statutory rules having been framed in the year 2000, the effect of the amendment would be only from the date the statutory rules came into force.

That being so, it is a case where the judgment rendered in the case of Awadhesh Tiwary (supra) has already been considered in C.W.J.C. No.1172 of 2003 and similar argument rejected and once the order passed in C.W.J.C. No.1172 of 2003 has been implemented, we see no reason to make any indulgence into the matter. That apart, another ground canvassed to us that the petitioner had not completed ten years of working as a Deed Writer, he has been regularly working as a Deed Writer since the year 1982 is concerned, cannot be accepted that once after amendment on 25.3.1991 the rules were framed in the year 2000 even after 1982 up to formation of the rules, petitioner would have completed ten years working as a Deed Writer. We see no reason to make any indulgence into the matter.



However, before parting, we may indicate that the observations made, the principles discussed and the directions issued in this case shall be applicable only in the case of present petitioner who has approached this Court within a reasonable period. Any other cases where till date the issue in question has not been challenged by any of the aggrieved persons, the same will not apply.

With the aforesaid, this appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

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