IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.321 of 2018
In
Civil Writ Jurisdiction Case No.31 of 2016

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Kameshwar Pratap Singh, Son of Late Rajeshwar Singh, Resident of Village- Natwar, Samaria, P.S.- Manjhi, District- Saran at Chapra.

... ... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary- Cum- Commissioner, Department of Commercial Taxes, Government of Bihar, Patna.
2. The Joint Commissioner Commercial Taxes (Administration), Patna Division, Department of Commercial Taxes, Patna.
3. The Deputy Commissioner Commercial Taxes, Patna South Circle, Department of Commercial Taxes, Patna.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Mrigank Mauli, Advocate
For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-06-2018

Having heard learned counsel for the parties, we find that merely because the petitioner has retired, the question of relief with regard to confirmation of service which may have adverse effect on his pensionary benefits will not become academic. The petitioner will have a right to raise that issue if permissible under law, in accordance with law, and in case he has already been confirmed, the benefit of confirmation cannot be denied to him because of the official observation.

Keeping in view the above, we allow this appeal in part, even though we affirm the order dated 03.01.2018 passed in C.W.J.C. No. 31 of 2016 but we expunge the observations made with regard to the relief of confirmation having become academic in nature. The said observation shall not come in the way of the petitioner with regard to all rights accrued to him with regard to confirmation.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
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