

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.126 of 2018

IN

C. REV. 143 of 2017

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1. Hemlata Kumari, wife of Mahesh Bhagat, resident of Village- Latraha, P.O.-
Amaha, P.S. and District- Supaul.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social
Welfare, Government of Bihar, Patna.
2. The Principal Secretary, Department of Social Welfare, Government of Bihar,
Patna.
3. The Director, I.C.D.S., Bihar, Patna.
4. The Divisional Commissioner, Koshi Division, Sahasa.
5. The Deputy Director (Welfare), Koshi Division, Saharsa.
6. The District Magistrate, Supaul.
7. The District Programme Officer (I.C.D.S.), Supaul.
8. The Child Development Project Officer (C.D.P.O.), Supaul.
9. The Lady Supervisor (I.C.D.S.), C.D.P.O. Office, Supaul.
10. Ranju Kumari, W/o Birendra Kumar, Resident of Village- Latraha, P.S. +
District- Supaul.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pranav Kumar Jha, Adv.

For the Respondent/s : Mr. GYAN PRAKASH OJHA- GA7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 05-07-2018

In this intra-court appeal, challenge has been made to the order dated
19.11.2016 passed by the learned writ Court in Civil Writ Jurisdiction Case
No.7213 of 2015 and the subsequent rejection of the review petition.

2. Learned counsel representing the appellant does not dispute the
factual position emerging out from the records.

3. It is not in dispute that the appointment of the writ petitioner vide
Annexure-3 to the review application was a conditional appointment. The last



line of the appointment letter issued in favour of the writ petitioner-appellant clearly states that her appointment will be affected by the decision of the Court. In the aforementioned background, at this stage when the termination of the private respondent has been set-aside, the present appellant cannot be allowed to stake any legal right or claim to the post in view of the conditional nature of her appointment.

4. We find no error in the impugned order dated 19.11.2016 passed in CWJC No.7213/2015 and the order dated 10.11.2017 passed in Civil Review No.143 of 2017. The writ application preferred by the private respondent no.10 in the present appeal has rightly been allowed by the learned writ Court.

5. This Letters Patent Appeal has no merit. It is, accordingly, dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha

AFR/NAFR	
CAV DATE	
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