

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1298 of 2017

IN

Civil Writ Jurisdiction Case No. 8702 of 2014

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Binod Kumar Bharti s/o Sri Kameshwar Paswan resident of village - Belahi, Via -
Budhma, P.S. and District - Madhepura. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Collector-cum-District Magistrate, Madhepura.
3. The Deputy Collector, District Establishment, Madhepura.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amarnath Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 18-06-2018

Heard counsel for the appellant.

Perused the order dated 09.08.2017 passed by the learned
Single Judge. The following facts are good reasons not to interfere
with the impugned order :

*“The petitioner was appointed in the year 2003
but from the report of BPSC it transpired that
petitioner set up another person to appear at the
examination at his place after affixing the
photographs in the application form and when
this fact came to the knowledge of competent
authority the petitioner was dismissed from
service. Thereafter, the petitioner filed writ
petitioner being CWJC No. 16455 of 2004,*



which was dismissed for non prosecution in the year 2007. The restoration petition, MJC No. 1068 of 2013 was filed after six years of dismissal of CWJC No. 16455 of 2004, which was also dismissed with liberty to the petitioner to file fresh writ petition.

It appears that service of the petitioner was terminated in the year 2004 itself on the ground that petitioner adopted fraudulent modes for getting appointment and after about 10 years the petitioner again moved this court against the order of dismissal. Earlier writ petition, CWJC No. 16455 of 2004, for the same relief, was dismissed in the year 2007 for non prosecution but the petitioner filed restoration petition after more than six years.”

In view of the above, the learned Single Judge has rightly dismissed the writ application. No relief is required to be granted to the appellant as there is no infirmity in the impugned order.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Devendra/Arjun

AFR/NAFR	NAFR
CAV DATE	NA
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