

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.66 of 2018

IN

Civil Writ Jurisdiction Case No. 324 of 2017

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Vijay Kumar Singh, Son of Sri Laxman Prasad, resident of Sanmati Sadan, Jakkanpur, Janta Road, P.S. - Jakkanpur, District - Patna.

.... Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Department of Labour Resource Development, Government of Bihar, Niyogan Bhawan, Bailey Road, Patna.

2. The Principal Secretary, Department of Labour Resource Development, Government of Bihar, Niyogan Bhawan, Bailey Road, Patna.

3. The Director, Labour Employment and Training, Government of Bihar, Niyogan Bhawan, Bailey Road, Patna.

4. The Principal, I.T.I, Digha Ghat, Patna.

.... Respondent 1st Set-Respondents

5. The Union of India through the Director General, National Cadet Corps, Ministry of Defence, West Block 4, R.K. Puram, New Delhi 110066.

6. The Director General, National Cadet Corps, Ministry of Defence, West Block 4, R.K. Puram, New Delhi 110066.

7. The Director General, National Cadet Corps, Bihar and Jharkhand, CDA Building, Rajendra Path, Patna.

8. The Commanding Officer, 26 Bihar Battalion, House No. 184 Patliputra Colony, Patna-13, Bihar.

.... Respondent 2nd Set-Respondents

9. Sri Vinay Kumar, Son of Tribhuwan Prasad, resident of village-Sultanpur, P.S.-Dhanarua, District-Patna, Bihar, presently posted as Chief Instructor, Industrial Training Institute, Digha Ghat,



Patna.

.... Respondent 3rd Set-Respondent

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Appearance :

For the Appellant/s : Mr. Surendra Kumar Singh, Advocate
Ms. Sudha Chandra, Advocate

For the State : Mr. Rohitabh Das, A.C. to AAG-10

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date: 13-09-2018

The writ petition preferred by the appellant has been disposed of as having become infructuous by the order impugned dated 12.12.2017.

2. The appellant had approached this Court *vide* C.W.J.C. No. 324 of 2017 seeking a direction to the respondent/Principal, Industrial Training Institute, Digha Ghat, Patna to allow him to take charge and work as N.C.C. Officer in the I.T.I., Digha Ghat, Patna and for inquiring into the irregularity, bungling and fraud committed by his predecessor/respondent No. 9, during the period that he officiated as N.C.C. Officer, I.T.I., Digha Ghat, Patna while simultaneously discharging his functions at I.T.I., Bettiah.

3. It appears that the petitioner was appointed as



an Instructor Wireman in the year 1998 in I.T.I., Digha Ghat, Patna and from 10.07.2000, he had been functioning as a Caretaker N.C.C. Officer, under the direction of the respondent/Principal. Later, he formally joined N.C.C. Cadre and received training at Nagpur. Thenceforth, he continued to work as N.C.C. Officer at I.T.I., Digha Ghat, Patna.

4. The appellant was, thereafter, transferred to I.T.I., Munger in the year 2005, where also he discharged the duties of N.C.C. Officer. From Munger, he was transferred to I.T.I., Muzaffarpur in the year 2012, where also he worked as N.C.C. Officer. During this period, respondent No. 9 is stated to have been transferred to Patna and he started officiating as N.C.C. Officer. The respondent No. 9 was thereafter transferred to I.T.I., Bettiah, but continued to discharge his duties as N.C.C. Officer at I.T.I., Digha Ghat, Patna. Despite respondent No. 9 having been asked by the Principal of I.T.I., Patna to handover the charge of the N.C.C. Office to somebody else, he did not handover the charge and continued to discharge his functions.

5. The trouble began when the appellant as well as respondent No. 9, both, were promoted to the post of Chief Instructor and both of them were transferred to I.T.I.,



Digha Ghat, Patna and were placed at seniority Nos. 1080 and 1084, respectively.

6. Because of respondent No. 9 discharging his functions as N.C.C. Officer at I.T.I., Digha Ghat, Patna, he was allowed to continue to work as N.C.C. Officer at Patna after his transfer from Bettiah.

7. The counter affidavit on behalf of respondent Nos. 1 to 4 discloses that no other N.C.C. Officer was appointed by the Directorate of N.C.C., Bihar, Patna and, therefore, respondent No. 9 was allowed to function as N.C.C. Officer at the I.T.I., Digha Ghat, Patna.

8. Taking into account the aforesaid stand of the respondents, the learned Single Judge *vide* his order dated 12.12.2017 disposed of the writ petition of the appellant as having become infructuous.

9. Respondent No. 9 has been officiating as N.C.C. Officer at I.T.I., Digha Ghat, Patna under the direction of the Directorate.

10. With the transfer of both, the respondent No. 9 and the appellant to Patna, the grievance of the appellant that respondent No. 9 has been officiating as N.C.C. Officer at Patna while simultaneously working at Bettiah, does not seem to exist today.

11. Thus, no interference now is required with the



order passed by the learned Single Judge.

12. The present Letters Patent Appeal stands dismissed.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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