

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.347 of 2017

In

Civil Writ Jurisdiction Case No.10120 of 2014

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1. Bipendra Kumar Sinha, son of late Girendra Kumar Sinha resident of village - Line Bazar, P.S. Khajanchi Hat, District - Purnea
 2. Janardan Prasad Gupta, son of Late Ganesh Prasad Sah, resident of village - Line Bazar, P.S. Khajanchi Hat, District - Purnea
 3. Deep Narayan Mandal, son of late Jiyalal Mandal, resident of village - Hassanpur, P.S. Raniganj, District - Araria
 4. Md. Hannan, son of Maqsood Ali, resident of Village- Rampur, P.S.-Forbesganj, District-Araria.
 5. Nand Kumar Rajpal, son of Late Nebilal Bhagat, resident of village - Madhubani, P.S. Khajanjhi Haat, District - Purnea
 6. Bibhuti Kumar Mandal, son of late Ambika Prasad Mandal resident of village - Khaira, P.S. Khaira, District - Katihar

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Health Department, Government of Bihar, Patna
3. The Director - in - Chief, Health Services, Bihar, Patna
4. The Regional Deputy Director, Health Services, Purnea Division, Purnea
5. The Civil Surgeon - cum - Chief Medical Officer, Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shanti Pratap, Advocate

For the Respondent/s : Mr. Nagendra Kumar, A.C. to AAG-IX

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 30-01-2018

This is an appeal filed under Clause 10 of the Letters Patent seeking exception to an order passed by the learned Writ Court on 08.11.2016 in C.W.J.C No. 10120 of 2014.

There being a delay of 75 days in filing of this



appeal, I.A. No. 1307 of 2017 has been filed seeking condonation of delay.

The delay in filing of the appeal is condoned. I.A. No. 1307 of 2017 stands allowed and disposed of.

The grievance in question pertains to appointment on Class-III and Class-IV post undertaken by the Civil Surgeon-cum-Chief Medical Officer, Purnea in the year 1982 and the appellants claim parity with certain employees who have been granted the benefit by their reinstatement.

However, on going through the records, we find that in the case of the appellants earlier also with regard to the same issue at the instance of the appellants matter came to this Court on 13.12.2010 in C.W.J.C. No. 3438 of 2010 and the said writ petition was dismissed in the following manner:-

“Heard learned counsel for the parties.

Challenge is to the termination order effected in 1982. Looking at the time frame of the cause of action and when the challenge is being made, this Court is not inclined to exercise its jurisdiction or discretion under Article 226 of the Constitution of India. This writ application is dismissed.”

L.P.A. filed being L.P.A. No. 297 of 2011 was also



disposed of with liberty to the appellants to approach the Justice Udai Sinha Committee and the respondents having rejected the claim of the appellants now with regard to the issue and the termination which was effected in the year 1982 merely because some other persons have been granted the benefit, we see no reason to make any indulgence into the matter. The learned Writ Court in dismissing the writ petition on such consideration has not committed any error.

The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	01.02.2018
Transmission Date	

