

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1842 of 2017

In
Civil Writ Jurisdiction Case No.17438 of 2017

=====

Sudhihar Kumar, Son of Ruplal Mahto, Resident of Village- Aliganj, P.O.- Aliganj, P.S.- Sikandara, District- Jamui (Bihar).

... .. Appellant/

Versus

1. Sharvan Kumar, S/o Late Ram Narain Singh, R/o Bahadurpur, P.O.- Chandi, P.S.- Chandi, Distt- Nalanda at present Block Teacher, Higher Middle School, Derma, P.S.- Akbarpur, Distt- Nawada.
2. Usha Kumari, D/o Shivdhari Prasad, R/o Vill- Bahadurpur, P.O.- Chandi, P.S.- Chandi, Distt- Nalanda. at present Block Teacher, Higher Middle School, Derma, PS- Akbarpur, Distt- Nawada.
3. Sushila Kumari, D/o Satyanarayan Prasad Singh, R/o Vill- Gunjarchak, P.O.- Chandi, P.S.- Chandi, Distt- Nalanda at present Block Teacher, Higher Middle School, Derma, PS- Akbarpur, Distt- Nawada.
4. The State of Bihar through the Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
5. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
6. The Director, Education Department, Govt. of Bihar, Patna.
7. The District Magistrate cum Collector, Nawada at Nawada.
8. The District Education Officer, Nawada at Nawada.
9. The District Programme Officer (Estb.), Nawada.
10. The Block Development Officer cum Secretary Block Teacher Selection Unit, Akbarpur Block, Akbarpur, District- Nawada.
11. The Block Education Officer, Akbarpur, Block Akbarpur, Nawada

... .. Respondents

=====

Appearance :

For the Appellant/s : Mr. Raju Giri, Adv.
For the Respondent/s : Mr. Shashi Shekhar Tiwari, AC to AAG15

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 17-12-2018

Heard Mr. Raju Giri, learned Counsel for the appellant

and Mr. Shashi Shekhar Tiwari, learned AC to AAG 15.

The writ petition was disposed of in the following terms:



“ In view of the innocuous prayer made by the writ petitioners, the writ application is disposed of with direction to the petitioners to file a detailed representation before the respondent no. 7 who shall look into the grievance of the petitioners and pass a reasoned speaking order on the representation, if any filed by the petitioners and also ensure payment of admitted dues within a period of one month from the date of filing of representation alongwith a copy of this order.”

We fail to appreciate as to how the order of the present kind can be the subject matter of intra Court appeal. Apart therefrom, that this order has already taken effect and resulted in the order dated 08.01.2018 passed by Block Development Officer-cum-Member Secretary, Block Teachers Employment Unit, Akbarpur, the order under challenge has exhausted itself rendering the appeal infructuous.

Even on merits, neither the order of learned Single Judge prejudices the right of any person nor there is any adjudication on inter-party rights and thus there is no cause of action available for the appellant to maintain this appeal.

It is a settled legal position that every representation requires a disposal and that is exactly what the learned Single Judge has done by giving liberty to the writ petitioner to represent and consequently putting an obligation on the authority concerned



for its disposal. We fail to appreciate how the appellant can be aggrieved by such order.

This is a mis-concieved appeal, which is dismissed accordingly.

Having concluded thus, we may only observe that the appellant-petitioner if so aggrieved by the order so passed by the respondents in consequence to the order of the learned Single Judge, would be at liberty to take recourse to such remedy as is available to him in law.

(Jyoti Saran, J)

(Rajeev Ranjan Prasad, J)

Archana/
Surendra

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.01.2019
Transmission Date	NA

