

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.893 of 2018

IN

Civil Writ Jurisdiction Case No. 6129 of 2018

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1. Gyan Juoti Gramoutthan Samiti through its Secretary Jitendra Kumar Pandey, Son of Late Anurudh Pandey, resident of Village+Post Office-Chorwan, P.S.-Banipur, District-Saran.
2. Jankalyan Samiti through its representative Ranjit Sah, Son of Sita Ram Sah, resident of Village-Gangoi, Post-Parsa, P.S.-Bheldi, District-Saran.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The State Health Society through its Secretary-Cum-Executive Director, Pariwar Kalyan Bhawan, Sheikhpura, Patna.
3. The Commissioner Saran Division, Chapra.
4. The District Magistrate, Saran-Cum-Chairman, District Health Society, Saran at Chapra.
5. The Civil Surgeon-Cum-Chief Medical Officer-Cum-Secretary, District Health Society, Saran at Chapra.
6. The District Programme Manager, Health Soccity, Saran at Chapra.

.... Respondents/Respondents 1st Set

7. Arvind Kumar Singh, Son of Late Saryu Singh, resident of Mohalla-Prabhunath Nagar, Chapra, P.S.-Chapra Muffasil, District-Saran at Chapra, Secretary of Bhabha Institute of Social Service.
8. Shailendra Kumar Singh, Son of Sri Amrendra Prasad, resident of Mohalla-Mufti Hajipur, P.S.-Hajipur Town, District-Vaishali, the Secretary of Prof. Nawal Kishore Prasad Smrity Seva Sansthan.

.... Petitioners/Respondents 2nd Set



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Appearance :

For the Appellant/s :Mr. Gyan Prakash, Advocate

For the Respondent Nos. 7-8:Mr. Yashraj Bardhan, Advocate

For the State :Mr. S.D. Yadav, AAG-IX

Mr. Nagendra Kumar, AC to AAG-IX

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 19-09-2018

Feeling aggrieved and dissatisfied with the impugned judgment and order, dated 21.06.2018, passed by the learned Single Judge in C.W.J.C. No. 6129 of 2018, a third party, whose interlocutory application, bearing I.A. No. 4883 of 2018, for preferring the appeal has been allowed *vide* order dated 09.07.2018, has filed the present Letters Patent Appeal.

2. Heard Mr. Gyan Prakash, learned counsel appearing on behalf of the appellants, Mr. Yashraj Bardhan, learned counsel appearing on behalf respondent Nos. 7 and 8 as well as Mr. S.D. Yadav, learned AAG-9 appearing on behalf of the State.

3. After hearing the learned counsel appearing on behalf of the respective parties at length, when this Court was inclined to allow the Letters Patent Appeal with reasons and



was inclined to remand the matter to the learned Single Judge, learned counsel appearing on behalf of the original writ-petitioners has stated at the Bar that he has no objection if the impugned judgment and order passed by the learned Single Judge is set aside and the matter is remanded to the learned Single Judge for fresh consideration to which even the appellants herein can be permitted to be joined as party-respondents. He does not invite any further reasoned order while quashing the impugned judgment and order and remanding the matter to the learned Single Judge.

4. Under the circumstances, we are not assigning any further reasoned order while setting aside the impugned judgment and order and remanding the matter to the learned Single Judge.

5. In view of the aforementioned stand taken by the learned counsel appearing on behalf of the original writ-petitioners, the impugned judgment and order passed by the learned Single Judge, dated 21.06.2018, passed in C.W.J.C. No. 6129 of 2018 is, hereby, quashed and set aside and the matter is remanded to the learned Single Judge for fresh consideration, to be considered on merits in accordance with law.

6. It will be open for the appellants to submit an appropriate interlocutory application for permitting them to be



joined as party-respondents and the learned Single Judge to consider the same and grant the same after giving liberty to the appellants herein also, for which the learned counsel appearing on behalf of the original writ-petitioners has no objection.

7. With the aforesaid, the present Letters Patent Appeal stand disposed of.

8. Interlocutory applications stand disposed of.

9. Interim relief, if any, stands vacated.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24.09.2018
Transmission Date	N/A

