

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.364 of 2019

In
Letters Patent Appeal No.1440 of 2015

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Mukesh Kumar, aged about 38 years (M), S/o- Late Ram Ratan Singh, R/o-
Village/Mohalla- Pachadha, P.O.- Pachadha, P.S.- Hisua, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar through Sri Jitendra Srivastava, The Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna
2. S. Siddharth, Secretary, Department of Finance, Govt. of Bihar Main Secretariat, Patna
3. Satish Chandra Mishra, the Engineer-in-Chief, Public Health Engineering Department, Govt. of Bihar, Patna
4. Satish Chandra Mishra, the Chief Engineer, (Mechanical), Public Health Engineering Department, Govt. of Bihar, Patna
5. Ashok Kumar, the Superintending Engineer, Public Health Engineering Circle, Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

Mr.S. Raza Ahmad, AAG-5

Mr. Alok Ranjan, A.C. to AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 17-04-2019 Learned counsel for the opposite parties has invited the attention of the Court to the order passed in compliance of the judgment of this Court reinstating the applicant Mukesh Kumar.

We may, however, record that the said order states that the reinstatement of the applicant shall not be treated as a precedent. We thoroughly deprecate any such sentence being added by the concerned Secretary, inasmuch as, the judgment



has nowhere indicated that it shall not be a precedent. Even otherwise, the Executive has no authority to define contours of a judgment delivered by this Court or to interpret it in a manner so as to change the nature of the ratio of the judgment. If the judgment has been pronounced on the basis of a declaration made therein in relation to the law and the issue which was involved, it would definitely be a binding precedent. It is not for the Government to say that it will not be a binding precedent. We, with the aforesaid observations, accept the explanation and a copy of this order be sent to the concerned Secretary to rectify the error or else this Court may proceed to take action against him.

The petition stands disposed of with the said observations.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

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