

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2221 of 2015

In

Civil Writ Jurisdiction Case No.1536 of 2014

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Birendra Kumar aged about 57 years, Son of Late Gulab Chaudhary resident of Vijay Nagar, Hanuman Nagar, Police Station Patrakar Nagar, District Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna
3. The Principal Secretary, SC/ST Welfare Department, Government of Bihar, Patna.
4. The Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
5. Arbind Kumar Son of not known Presently posted as Chief Engineer Design, Public Health Engineering Department, Government of Bihar, Patna.
6. Srikant Singh Son of not known Chief Engineer, Public Health Engineering Department, Purnea Zone, Town Purnea, District Purnea.
7. Dineshwar Prasad Singh Son of Braj Nandan Singh resident of Magadh Niketan, Road No. 6, Rajeev Nagar, Police Station Patliputra, District Patna posted as Superintending Engineer, Public Health Engineering Circle, Patna. Presently posted as Chief Engineer Design, Public Health Engineering Department, Government of Bihar, Patna.
8. Nikhilendu Nikhil Son of Late L.N. Mandak resident of Flat No. A - 302, Hope Chandra Apartment, Nehru Nagar, Police Station Patliputra, District Patna, Presently posted as Superintending Engineer, Technical Examiner's Cell, Vigilance Department, Government of Bihar, Patna.
9. Satish Chandra Mishra Son of Late Nandishwar Mishra resident of G-78, People's Cooperative Colony, Kankarbagh Patna, Presently posted as Special Officer, Public Health Engineering Department, Government of Bihar, Patna.
10. Amee Ranjan Son of Raj Mangal Prasad resident of Flat No. 201, Udaiman Apartment, Boring Road, Police Station Srikrishnapuri, Patna posted as Superintending Engineer, Public Health Engineering Circle, Sasaram, Presently posted as Superintending Engineer, Public Health Engineering Circle, Begusarai.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rupak Kumar, Adv.

For the Respondent/s : Mr. Manindra Kishore Singh, SC6

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 01-07-2019



It is feeling aggrieved by a judgment and order dated 29.10.2015 passed the learned Single Judge in C.W.J.C. No.1536 of 2014 whereby it is bearing note of the judgment earlier passed on the same issue by a learned Single Judge in C.W.J.C. No.19114 of 2012 since reported in **2015(2)PLJR 844** which judgment of the Single Judge was confirmed by the Division Bench in the case reported in **2015(3)PLJR593**, that the writ petition was allowed. The learned Single Judge while allowing the writ petition took notice of the fact that the resolution which was put to challenge in the writ petition from which the present appeal arises, was also a subject matter in C.W.J.C. No.19114 of 2012. Learned Judge while taking note of the opinion of the Supreme Court on a similar matter arising in **Civil Appeal No(s).6631-6632 of 2015**, found merit in the contention advanced, to allow the writ petition.

Mr. Rupak Kumar, learned counsel for the appellant, who was a private respondent in the writ petition invites the attention of this Court to the statement made by the respondent State at paragraph 14 of the counter affidavit filed in the present appeal to submit that the Division Bench judgment of this Court relied upon by the learned Single Judge, has been questioned by the State in Special Leave Petition bearing S.L.P.(Civil)



No.29770 of 2015 which on admission is registered as Civil Appeal No.4880 of 2017. He submits that the outcome of the said appeal would govern the case of the present appellant as well.

We do agree with the submission so advanced by Mr. Rupak Kumar appearing for the appellant because the learned Single Judge has placed reliance on the Division Bench judgment of this Court to allow the writ petition and thus the outcome of the Special Leave Petition arising from the Division Bench judgment would obviously govern the case of the present appellant as well.

With the observations above, this appeal is disposed of.

(Jyoti Saran, J)

(Partha Sarthy, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.07.2019
Transmission Date	NA

