

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.5 of 2015

In
Civil Writ Jurisdiction Case No.3372 of 2014

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Dinesh Kumar, son of Bengali Gop, resident of Sheopuri Mohalla, Police
Station Shastri Nagar, District - Patna

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resources Irrigation , Department,
Government of Bihar, Sinchai Bhawan, Patna
3. The Director Land Acquisition and Rehabilitation, Water Resources
Department Government of Bihar, Sinchai Bhawan, Patna
4. The Special Land Acquisition officer, Koshi Project, Darbhanga
5. The Special Land Acquisition officer, Flood Irrigation Project, Department
of Water Resources, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Santosh Kumar Verma, Advocate
For the Respondent/s : Mr. S.P. Singh- GA 3

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 14-12-2020

This appeal is directed against the judgment dated
10.10.2014 passed in C.W.J.C. No. 3372 of 2014, titled as
Dinesh Kumar Vs. The State of Bihar & Ors., by a learned
Single Bench of this Court.



It is not disputed before us that at this point in time, the writ petitioner, pursuant to the orders passed by the learned Single Judge is not in service. However, learned counsel for the writ petitioner/appellant herein relies upon the decision rendered by a co-ordinate Bench of this Court in L.P.A. No.623 of 2014, titled as Pradeep Narayan Jha Vs. The State of Bihar & Ors., which is pending before Hon'ble The Apex Court and the petitioner therein is continuing to serve the State only by virtue of an order passed by the Hon'ble Apex Court.

Learned counsel further states that the petitioner's case would be squarely covered vide order passed in the case of Pradeep Narayan Jha (supra). While at this point in time, the writ petitioner, namely Dinesh Kumar is not in service and we see no reason to direct his reinstatement.

Learned counsel states that the appeal can be disposed of with the direction to the State to consider the petitioner's case in the light of the decision which may ultimately be rendered by Hon'ble The Apex Court in the case of Pradeep Narayan Jha (supra).

We see no reason in not acceding to this prayer of the petitioner/appellant.



As such, the appeal is disposed of in the following terms:

(a) The present appeal is not pressed by the petitioner/appellant with the liberty that he shall approach the respondent State inviting attention to the decision which may ultimately be rendered by Hon'ble The Apex Court in the case of Pradeep Narayan Jha (supra).

(b) The State will consider the petitioner's case in the light of such decision in accordance with law. Whether the petitioner's case would be covered in terms of the decision rendered by Hon'ble the Apex Court, is an issue left open to be considered by the appropriate authority. However, if the authorities do arrive at such a conclusion, then petitioner shall be entitled to benefits as per law which shall be accorded immediately.

If the petitioner is still aggrieved, liberty granted to approach the Court by way of a fresh petition.

Needless to add, while taking such decision, the authority shall assign reasons which shall be communicated to the petitioner/appellant.

Appeal stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand



disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	18.12.2020
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