

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.492 of 2016

In

Civil Writ Jurisdiction Case No.38 of 2004

Palat Jha, Son of Late Jeeb Nath Jha, Resident of Village Jhajharpur Bazar,
(Jaisy Tola), Police Station Jhanjharpur Bazar, District Madhubani

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Secretary, Water Resources (Irrigation) Department, Government of Bihar, Patna
3. Director, Land Acquisition and Rehabilitation, Water Resources Department, Government of Bihar, Patna
4. Amol Narayan Jha, Son of Udit Narayan Jha, Village Berma, P.S. Jhanjharpur (R.S.), District Madhubani

... .. Respondent/s

with

Letters Patent Appeal No. 2106 of 2016

In

Civil Writ Jurisdiction Case No.2501 of 2014

Birendra Narayan Singh, Son of Sri Devnandan Singh, Resident of
Village+P.O.+Police Station- Udwanthnagar, District Bhojpur

... .. 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, Sasaram, District Rohtas (Sasaram)

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 492 of 2016)

For the Appellant/s : Mr.Santosh Kumar Verma, Advocate

For the Respondent/s : Mr. Sarvesh Kumar Singh, AAG 13

(In Letters Patent Appeal No. 2106 of 2016)

For the Appellant/s : Mr.Santosh Kumar Verma, Advocate

For the Respondent/s : Mr.Anjani Kumar- AAG 4

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 14-12-2020

These appeals are directed against the judgment dated 07.07.2015 passed in C.W.J.C. No. 38 of 2004, titled as Amol Narayan Jha & Anr. Vs. The State of Bihar & Ors., (in L.P.A. No.492 of 2016) and judgment dated 28.09.2016 in C.W.J.C. No. 2501 of 2014, titled as Birendra Narayan Singh Vs. The State of Bihar & Ors. (in L.P.A. No.2106 of 2016), by a learned Single Bench of this Court.

It is not disputed before us that at this point in time, the writ petitioners, pursuant to the orders passed by the learned Single Judge are not in service. However, learned counsel for the writ petitioners/appellants 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 petitioners' case would be squarely covered vide order passed in the case of Pradeep Narayan Jha (supra). While at this point in time, the writ petitioners, namely Palat Jha and Birendra Narayan Singh respectively are not in service and we see no reason to direct



their reinstatement.

Learned counsel states that the appeal can be disposed of with the direction to the State to consider the petitioners' 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 appeals are not pressed by the petitioners/appellants with the liberty that they 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 petitioners' case in the light of such decision in accordance with law. Whether the petitioners' 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 petitioners shall be entitled to benefits as per law which shall be accorded



immediately.

If the petitioners are 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 petitioners/appellants.

Appeals stand 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	
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