

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.759 of 2018

In
Civil Writ Jurisdiction Case No.13144 of 2017

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The State Of Bihar and Ors

... .. Appellant/s

Versus

Raghvendra Kumar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Mritunjay Kumar Ac To Aag 6
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
and
HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)

6 27-02-2020 I.A.No. 4170 of 2018 has been filed under section 5
of the Limitation Act for condonation of delay of 30 days in
filing this letters Patent Appeal.

Although, the above stated delay is condoned on the
ground mentioned in the aforesaid Interlocutory Application no.
4170 of 2018 itself but in my view, this appeal does not have
any merit and liable to be dismissed on following reasons:-
Similar issue was involved in Letters Patent Appeal no. 1702 of
2017 and analogous Letters Patent Appeal (State of Bihar v.s
Binit Kumar& Ors) and the Division Bench of this Court
quashed the impugned memo no. 12402 dated 2.11.2016 and



Circular no. 531 dated 22.01.2003 and also memo no. 9297 dated 3.08.2017 and also 1305 dated 28.06.2017 vide judgment dated 11.07.2018.

However, State being aggrieved by the judgment dated 11.07.2018 filed special leave to appeal no. 23765 of 2018 before Hon'ble Apex Court but the aforesaid S.L.P was dismissed.

It is not in dispute that the present case is covered by the case of Binit Kumar (supra) and the Learned Single Judge decided CWJC No. 13144 of 2017 taking note of the judgment passed in Binit Kumar case.

Therefore, we do not find any ground to interfere into the impugned order dated 08.01.2018 passed in CWJC No. 13144 of 2017 and, accordingly, this appeal stands dismissed and the impugned order dated 08.01.2018 passed in CWJC No. 13144 of 2017 is hereby, confirmed.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

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