

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.57 of 2005

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1. The State of Bihar through the Chief Secretary, Old Secretariate, Patna.
 2. Secretary, Secondary Primary and Adult Education, Bihar, New Secretariate, Vikas Bhavan, Patna.
 3. The Deputy Secretary, Department of Secondary Primary and Adult Education, Government of Bihar, Patna.
 4. The Director, Mass Education, Human Resources Department, Government of Bihar, Patna.
 5. The Director, Administration, Department of Human Resources, Government of Bihar, Patna.

... .. Respondents/Appellants

Versus

Rang Nath Sharma S/o Late Shri Narayan Sharma, R/o Vill. Gopalpur, P.S. Naubatpur, Distt. - Patna.

... .. Petitioner/Respondents

Appearance :

For the Appellant/s :

For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH)

Date : 10-12-2020

Nobody appears on behalf of appellants to press the appeal. On the last occasion also i.e. on 13-11-2020, nobody appeared on behalf of the appellants/State.

2. On perusal of record, it appears that this Letters Patent Appeal has been preferred against order dated 05-10-2004



passed in C.W.J.C. No. 1914 of 2004, whereby termination order issued under the signature of Deputy Secretary, Department of Secondary Primary and Adult Education, Government of Bihar, Patna, vide Letter No. 24/नि० 27/200 जि० शि० 2284 dt. 12-09-2001, which was communicated to the writ petitioner through Memo No. 501 dated 26th September, 2001 (Annexure 7 to the writ application), has been set aside and the writ petitioner was directed to be reinstated in service with all consequential monetary benefits.

3. The factual matter, relating to filing of this appeal, is that the writ petitioner Rang Nath Sharma was appointed on the post of Clerk-cum-Accountant in the Adult Education, Govt. of Bihar, and subsequently, he came under non-formal education scheme and after working for about 16 years, he was terminated from service.

4. It is an old matter pertaining to the year 2005 and the impugned order has been passed on 05-10-2004. By efflux of time, it appears that sole respondent (writ petitioner) must have superannuated, in view of the fact that his date-of-birth is 20-01-1954, which is apparent from the gradation list of the employees, kept as Annexure 5 to the writ application.

5. From perusal of the ordersheets, it also appears that operation of the impugned order was never stayed during the



pendency of the appeal and as such, we are of the opinion that with the passage of time, the present appeal has become infructuous.

6. Accordingly, this Letters Patent Appeal stands dismissed as same has become infructuous.

(Sanjay Karol, CJ)

(Prabhat Kumar Singh, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	15.12.2020
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