

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2643 of 2018

In

Letters Patent Appeal No.1742 of 2017

1. Neelam Kapoor Wife of Mr. Shankar Nath Kapoor Resident of Flat No.401 B, Vamika Kunj Apartment, Khajpura, Patna, District- Patna, Presently posted as Section Officer, Transport Department, Bihar, Patna.
2. Bijoy Kumar Srivastava Son of Late Ram Autar Prasad Resident of Govt. Qr. No. 15/C, Gardanibagh, Patna District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
3. The Additional Secretary, Department of General Administration, Government of Bihar, Patna.
4. The Deputy Secretary, Department of General Administration, Government of Bihar, Patna.
5. The Under Secretary, Department of General Administration, Government of Bihar, Patna.
6. Sunil Kumar Son of Sri Shyamnandan Singh resident of Mohalla - 205/Secular Heritage, Gola Road, P.S. - Rukanpura, Dist - Patna.
7. Shankardayal Son of Raghuveer Dayal resident of Mohalla - Ranjan Path, Lane No. - 9 near Gyan Niketan School, P.C. Colony, Kankarbagh, P.S. - Kankarbagh, Dist - Patna.
8. Dr. Nityanand Singh Son of Late Ramashis Singh resident of Mohalla - Hanumannagar, near S.B.I. Rajbansinagar Branch, New Punaichak, P.S. - Shastrinagar, Dist - Patna.
9. Ashutosh Kumar Son of Sri Jitendra Prasad Sinha resident of Mohalla - C/60, Indrapati Colony Post B.V. College, P.S. - Shastrinagar, Dist - Patna.
10. Padmanand Kumar Son of Vidyanand Yadav resident of Mohalla - House No. 14, Manju Bhawan, New Punaichak, Boring Canal Road, P.S. - Shastrinagar, Dist - Patna.
11. Arvind Kumar Jha Son of Late Ghuran Jha resident of Mohalla - Girja Garden Apartment, Near Punaichak, P.S. - Shastrinagar, Dist - Patna.
12. Brajesh Kumar Dangi Son of Sri Siddheshwar Prasad resident of Village - Pakri Aara, P.S. - Nawada, Dist - Aara.
13. Balram Prasad Son of Late Kailash Prasad Sinha resident of Mohalla - House of Sri Harekrishna Yadav, Priyadarshinagar, D.P.S. Mor, Danapur, P.S. - Rupaspur, Dist - Patna.
14. Sanjay Kumar Singh Son of Late N.K. Singh Resident of Mohalla- Sarvoday Nagar, CDA Colony, P.S.- Shastrinagar, Dist- Patna.
15. Arun Kumar Srivastava Son of Late Kailashpati Srivastava resident of Mohalla - Sarvoday Nagar, CDA Colony, P.S. - Shastrinagar, Dist - Patna.
16. Indubhushan Singh Son of Sri Lalit Mohan Singh resident of Mohalla -



Ranjan Path, Lane No. - 9 near Gyan Niketan School, P.C. Colony, Kankarbagh, P.S. - Nehru Nagar, Dist - Patna.

17. Binod Sharma Presently Posted as Under Secretary of the Cabinet Secretariat, earlier posted as Section Officer of the same department.
18. MadanLal, Presently Posted as Under Secretary of the Minority Welfare Department, earlier posted as Section Officer of the Finance Department.
19. Radhanandan Prasad Presently Posted as Under Secretary of the Home Department, earlier posted as Section Officer of the Bihar State Human Rights Commission.
20. Raj Kumar, Presently Posted as Under Secretary of the Finance Department, earlier posted as Section Officer of the Bihar State Human Rights Commission.
21. Shivtosh Suman presently posted as Under Secretary of the Finance Department, earlier posted as Section Officer of the Public Health Engineering Department.
22. Vijyendra Prasad presently posted as Under Secretary of the Panchayati Raj Department, earlier posted as Section Officer of the Road Construction Department.
23. Prem Kumar Gupta (Prem) presently posted as Under Secretary of the Home Department, earlier posted as Section Officer of the Art, Culture and Youth Department.
24. Vidyabhushan Singh presently posted as Under Secretary of the Rural Works Department, earlier posted as Section Officer of the Planning and Development Department.
25. Arun Kumar presently posted as Under Secretary of the Education Department, earlier posted as Section Officer of the Cooperative Department.
26. Shailendra Narayan Mallick presently posted as Under Secretary of the Road Construction Department, earlier posted as Section Officer of the Food and Consumer Protection Department.
27. Udaykant Choudhary presently posted as Under Secretary of the Rural Works Department, earlier posted as Section Officer of the Law Department.
28. Vinay Kumar presently posted as Under Secretary of the Cooperative Department, earlier posted as Section Officer of the Building Construction Department.
29. Brijnandan Prasad, presently posted as Under Secretary of the Cooperative Department, earlier posted as Section Officer of the Finance Department.
30. Murari Mohan Ojha, presently posted as Under Secretary of the Cooperative Department, earlier posted as Section Officer of the Industry Department.
31. Anjani Kumar Sinha, presently posted as Under Secretary of the Health Department, earlier posted as Section Officer of the Commissioner Office, Patna.
32. Umesh Kumar Singh, presently posted as Under Secretary of the Urban Development and Housing Department, earlier posted a Section Officer of the Public Health Engineering Department.



33. Ram Sevak Prasad presently posted as Under Secretary of the Urban Development and Housing Department earlier posted as Section Officer of the DGP Office.
34. Shiv Mahadev Prasad, presently posted as Under Secretary of the Road Construction Department, earlier posted as Section Officer in the Advocate General Office, Bihar.
35. Dinesh Kumar Chandresh, presently posted as Under Secretary of the Cooperative Department, earlier posted as Section Officer of the Revenue and Land Reform Department.
36. Vijay Kumar Tiwari, presently posted as Under Secretary of the Cooperative Department, earlier posted as Section Officer of the Commercial Tax Department.
37. Ramvilas Prasad, presently posted as Under Secretary of the Finance Department, earlier posted as Section Officer of the Environment and Forest Department.
38. Arun Kumar, presently posted as Under Secretary of the Urban Development and Housing Department, earlier posted as Section Officer of the Rural Development Department.
39. Baban Kumar Rai, presently posted as Under Secretary of the Road Construction Department, earlier posted as Section Officer of the Sugarcane Industry Department.
40. Sirajuddin Ansari, presently posted as Under Secretary of the General Administration Department, earlier posted as Section Officer of the General Administration Department.
41. Ajay Kumar Sinha presently posted as Under Secretary of the Animal and Fishery Resources Department earlier posted as Section Officer of the Information Technology Department.
42. Virendra Kumar Sinha, presently posted as Under Secretary of the Animal and Fishery Resources Department, earlier posted as Section Officer of the Science Technology Department.
43. Laxmi Narayan Sahu, presently posted as Under Secretary of the Industry Department, presently posted as Under Secretary of the Industry Department, earlier posted as Section Officer of the Education Department.
44. Anil Kumar Upadhyay, presently posted as Under Secretary of the Disaster Management Tribunal, earlier posted as Section Officer of the Health Department.
45. Premchandra Jha, presently posted as Under Secretary of the Industry Department, earlier posted as Section Officer of the Social Welfare Department.
46. Shambhunath Upadhyay, presently posted as Under Secretary of the Revenue and Land Reforms Deptt. earlier posted as Section Officer of the BC and OBC Welfare Department.
47. Indubhushan Prasad, presently posted as Under Secretary of the Public Health Engineering Department earlier posted as Section Officer of the SC and ST Welfare Department.
48. Chandra Bhushan Prasad, presently posted as Under Secretary of the Chief



- Minister Secretariat, earlier posted as Section Officer of the Urban Development and Housing Department.
49. Kamlesh Sharma, presently posted as Under Secretary of the Revenue and Land Reforms Department, earlier posted as Section Officer of the Planning and Development Department.
 50. Amrendra Kumar, presently posted as Under Secretary of the Chief Minister Secretariat, earlier posted as Section Officer of the Planning and Development Department.
 51. Krishna Kumar Verma, presently posted as Under Secretary of the Registration, Production and Prohibition Department, earlier posted as Section Officer of the Registration, Production and Prohibition Department (Production).
 52. Surendra Prasad Gupta, presently posted as Under Secretary of the Finance Department, earlier posted as Section Officer of the Registration, Production and Prohibition Department (Registration).
 53. Shiv Vachan Singh, presently posted as under Secretary of the Cooperative Department, earlier posted as Section Officer of the Commercial Taxes Department.
 54. Vipin Bihari Pandey, presently posted as Under Secretary of the Education Department, earlier posted as Section Officer of the Cooperative Department.
 55. Surya Kishore Prasad, Presently Posted as Under Secretary of the Finance Department, earlier posted as Section Officer of Home(Special) Department.
 56. Narayan Saw, Presently Posted as Under Secretary of the Rural Development Department, earlier posted as Section Officer of the Election Department (Advertised for Rural Development Department).
 57. Murari Nandan Prasad, Presently Posted as Under Secretary of the Food and Consumer Protection Department, earlier posted as Section Officer of the Revenue Council.
 58. Pratul Chandra Suman, Presently Posted as Under Secretary of the Revenue and Land Reforms Department, earlier posted as Section Officer of the Bihar Staff Selection Commission.
 59. Satan Sharma, Presently Posted as Secretary of the Information and Public Relation Department, earlier posted as Section Officer of the Public Health Engineering Department.
 60. Sitaram Mishra, Presently Posted as Under Secretary of the SC and ST Welfare Department, earlier Posted as Section Officer of the Building Construction Department.
 61. BalramMandal, Presently Posted as Under Secretary of the Chief Ministry Secretariat, earlier posted as Section Officer of the Chief Minister Secretariat.
 62. Surendra Thakur, Presently Posted as Under Secretary of the Finance Department, earlier posted as Section officer of the Crime Beuro Department.
 63. ShyamBalak Ram, Presently posted as Under Secretary of the SC and ST Welfare Department, earlier posted as Section Officer of the Labour



Resources Department.

64. Suman Sinha, Presently Posted as Under Secretary of the BC and OBC Welfare Department, earlier posted as Section Officer of the labour Resources Department.
65. Mohan Lal, Presently Posted as Under Secretary of the Social Welfare Department, earlier posted as Section Officer of the Animal and Fishery Resources Department (Gabya Directorate).
66. Birendra Kumar Singh, Presently Posted as Under Secretary of the Agriculture Department, earlier posted as Section Officer of the Cooperative Department.
67. Rasool Miyan, Presently Posted as Under Secretary of the Water Resources Department, earlier posted as Section officer of the Agriculture Department.
68. Uttam Kumar, Presently Posted as Under Secretary of the Water Resources Department, earlier posted as Section Officer of the Surgarcane Industry Department.
69. Chandra Prasad, Presently Posted as Under Secretary of the Water Resources Department, earlier posted as Section Officer of the Education Department.
70. Ranjana Singh, Presently Posted as Under Secretary of the Finance Department, earlier posted as Section Officer of the Building Construction Department.
71. Madhubala Sinha, Presently Posted as Under Secretary of the Water Resources Department, earlier posted as Section officer of the Finance Department.
72. Santosh Kumar, Presently Posted as Under Secretary of the Minor Water Resources Department, earlier posted as Section Officer of the Urban Development and Housing Department.
73. Girish Mohan Thakur, Presently Posted as Under Secretary of the Home Department, earlier posted as Section Officer of the General Administration Department.
74. Vipin Kumar Singh, Presently Posted as Under Secretary of the State Commission for Backward Castes, earlier posted as Section Officer of the Agriculture Department.
75. Meera Sinha, presently posted as Under Secretary of the Bihar State ST Commission Department, earlier posted as Section Officer of the Health Department.
76. Mahendra Pratap Singh, Presently posted as Under Secretary of the Information and Public Relation Department, earlier posted as Section Officer of the Cooperative Department.
77. Rajiv Kumar, Presently Posted as Under Secrery of the Agriculture Department, earlier posted as Section Officer of the BC and OBC Welfare Department.
78. Nirranjan Kumar Sinha, Presently posted as Under Secretary of the Industry Department, earlier posted as Section officer of the Water Resources Department.
79. Ravindra Yadav, Presently Posted as Under Secretary of the Health



- Department, earlier posted as Section Officer of the Planning and Development Department.
80. Gopal Prasad Singh, Presently Posted as Under Secretary of the Revenue and Land Reforms Department, earlier posted as Section Officer of the Revenue and Land Reforms Department.
 81. Kishor Kumar Kishor, Presently posted as Under Secretary of the Road Construction Department, earlier posted as Section Officer of the Labour Resources Department.
 82. Vijay Shankar Rai, Presently Posted as Under Secretary of the Cooperative Department, earlier posted as Section officer of the SC and ST Welfare Department.
 83. Devendra Choudhary, Presently posted as Under Secretary of the Rural Works Department, earlier posted as Section Officer of the Commission Office, Patna.
 84. Anjani Kumar Sinha, Presently Posted as Under Secretary of the Health Department, earlier posted as Section Officer of the Health Department.
 85. RabindraNath Upadhyay, Presently Posted as Under Secretary of the Health Department, earlier posted as Section Officer of the Health Department.
 86. Brajesh Kumar Rai, Presently Posted as Under Secretary of the Building Construction Department, earlier posted as Section Officer of the Home(Special) Department.
 87. Saday Kumar Sinha, Presently Posted as Under Secretary of the Rural Development Department, earlier posted as Section Officer of the Water Resources Department.
 88. Satish Kumar Shahi, Presently Posted as Under Secretary of the Labour Resources Department, earlier posted as Section Officer of the Intelligence Department.
 89. Mithilesh Kumar Sinha, Presently Posted as Under Secretary of the Home Department, earlier posted as Section Officer of the DGP.
 90. Anand Kumar Sinha, Presently Posted as Under Secretary of the Cooperative Department, earlier posted as Section Officer of the Labour Resources Department.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navendu Kumar
For the Opposite Party/s : Mr.Prabhat Kumar Verma

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE PARTHA SARTHY**

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

4 16-01-2020 Heard learned counsel for the petitioners. In spite of
valid service of notice, no one appears on behalf of the State.



This application has been filed for restoration of Letters Patent Appeal bearing LPA No. 1742 of 2017, which stood dismissed due to non-compliance of preemptory order dated 18.06.2018 passed by this Court.

It is submitted by the learned counsel for the petitioners that in the letters patent appeal the petitioners were directed to rectify the defects as pointed out by the Stamp Reporter within a week vide preemptory order dated 18.06.2018. Since the petitioners were not made respondents in the original writ petition, he obtained the certified copy of the writ petition and other concerned documents and major defects were cured, but due to inadvertence some minor defects could not be rectified in time. It is contended that the delay caused in rectifying the mistakes was due to bonafide reasons and there is no deliberate or willful laches on the part of the petitioners.

Considering the submissions made above, the application is allowed. LPA No. 1742 of 2017 is restored to its original file.

(Ashwani Kumar Singh, J)

(Partha Sarthy, J)

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