

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.81 of 2022

In
Civil Writ Jurisdiction Case No.14770 of 2019

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National Medical Commission

... .. Appellant/s

Versus

Niky Kumari Pandey

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Kumar Brijnandan, Advocate
For the Respondent/s	:	Mr.Gautam Kejriwal, Advocate
		Ms.Parul Prasad, Advocate
		Ms.Ananya Pandey, Advocate
For the NMC	:	Mr. Kumar Priya Ranjan, Advocate
For the UOI	:	Mr. Ratnesh Kumar, CGC
For the BCECE	:	Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 07-12-2022 CWJC No. 15964 of 2022 is de-linked.

Registry is hereby directed to examine whether matter is required to be listed before assigned roster bench.

The present LPA No. 81 of 2022 is by third party who is not party to the writ application bearing CWJC No. 14770 of 2019.

Apex Court in the case of **Shivdeo Singh and Ors. vs. State of Punjab and Ors.** reported in **AIR 1963 SC 1909** examined right of the third party in an appeal.

In fact, if the appellant is third party to the writ petition, in that event scope of argument in LPA is limited. On



the other hand, if a writ petition is filed and seeking for recalling the order of the learned Single Judge each and every contention could be agitated before the learned Single Judge as to how the appellant's right would be affected, in the event of implementation of the order of learned Single Judge.

Accordingly, the present LPA No. 81 of 2022 is not maintainable and it is disposed of.

Reserving liberty to the appellant to invoke writ jurisdiction.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

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