

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1769 of 2018

In

Civil Writ Jurisdiction Case No.7905 of 2014

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Ram Narayan Prasad, Son of Late Khushilal Raut, Resident of Village Nandenagar (Tamauriya), Police Station- Lakhnaur, District- Madhubani.

... .. Appellant/s

Versus

1. The State Of Bihar.
2. The Commissioner and Secretary, Water Resources Department, Sichai Bhavan, Patna.
3. The Chief Engineer (Mechanical) Division, Darbhanga, P.S. Darbhanga, District- Darbhanga.
4. The Executive Engineer (Mechanical) division, Darbhanga P.S. Darbhanga, District- Darbhanga.
5. The Superintending Engineer (Mechanical) Irrigation Mechanical Anchal, Birpur, Police Station- Birpur, District- Supaul.
6. The Chief Engineer, Water Resources Darbhanga, Dist.- Darbhanga.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Binodanand Mishra

For the Respondent/s : Mr. Anjani Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

5 25-04-2022 The present Letters Patent Appeal has been preferred against the order dated 02.09.2016 passed by a learned Single Judge of this Court in CWJC No 7905 of 2014.

The appellant has challenged the order passed by the learned Single Judge on the ground that he can not be denied the benefit of ACPs due to the reason that he could not pass the departmental accounts examination. He



relies upon the judgement passed by the Division Bench in **L.P.A. No. 833 of 2017**, decided on 04.02.2020 (**State of Bihar v. Smt. Jivachi Dev**).

The learned counsel for the appellant submits that in view of the aforesaid judgment in the case of **State of Bihar v. Smt. Jivachi Dev**, the order of the learned Single Judge is no longer sustainable.

We thus dispose of the present appeal with liberty to the appellant to file a representation before the Chief Engineer (Mechanical), Water Resources Department, Patna along with a copy of the aforesaid judgment, who shall pass a speaking order at the earliest, in any case not later than four weeks from today. He shall not be swayed by the order passed by the learned Single Judge.

Interlocutory Application(s), if any, stands disposed of.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

Anjani/-

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