

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.219 of 2020

In
Civil Writ Jurisdiction Case No.18725 of 2015

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1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna
 2. The Director, Secondary Education, Education Department, Govt. of Bihar, Patna
 3. The Regional Deputy Director of Education, Gaya
 4. The District Education Officer, Nawada
 5. The District Programme Officer (Establishment) Nawada

... .. Appellant/s

Versus

Hare Ram Prasad Sharma Son of late Ambika Singh resident of village-
Nepura, Police station- Kashichak, District- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shashi Shekhar Tiwary, AC to AAG 15
For the Respondent/s : Mr. Ram Sagar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 22-08-2022 Heard learned counsels for the parties.

2. We are coming across number of appeals filed by the State which are not based on merit. Today itself we have come across two appeals of the State wherein the learned Single Judge has only given a direction to consider grievance of the petitioner with reference to representation or particular decision. In the present case, the learned Single Judge has passed the following order:



“Learned counsel appearing on behalf of the petitioner submits that similar issue has been decided by a bench of this Court in Maheshwar Prasad Singh’s case in C.W.J.C. No. 13159 of 2013 vide order dated 22.05.2015.

Following the same decision in Maheshwar Prasad Singh’s case, this Court has disposed of similar writ application vide oral judgment dated 26.7.2018.

In view of the aforesaid, the writ petition is disposed of with direction to the respondent Director, Secondary Education to examine the claim of the petitioner and if the case of the petitioner is covered by the decision in the case of Maheshwar Prasad Singh’s case in C.W.J.C. No. 13159 of 2013 vide order dated 22.5.2018, similar benefit should be extended to this petitioner.

Necessary decision in this regard may be taken by the respondent within a maximum period of four months from the date of receipt/production of a copy of this order.

It is made clear that the order contained in Annexure – 1 shall not come in the way of taking fresh decision by the respondent in compliance of Maheshwar Prasad Singh’s case (supra).



With the aforesaid, the writ petition stands disposed of.”

3. The appellant – State has not apprised this Court as to how their right is affected. Assuming that if the case of the contesting respondent is not covered by the case of *Maheshwar Prasad Singh* in C.W.J.C. No. 13159 of 2013 decided on 22.05.2018. In that event, the competent authority has every right to compare the service particulars of contesting respondent *Hare Ram Prasad Sharma* and *Maheshwar Prasad Singh*’s case and to pass a speaking order.

4. On the other hand, filing of this type of appeal is not warranted for the reasons that no right of the State – appellant is affected by virtue of the learned Single Judge order dated 06.12.2018 passed in C.W.J.C. No. 18725 of 2015. Accordingly, the present appeal stands dismissed with cost of Rs. 5,000/- (Rupees Five Thousand). Cost shall be remitted in Patna High Court Legal Services Committee, Patna High Court.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

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