

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.903 of 2018

In

Civil Writ Jurisdiction Case No.8521 of 2008

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Juli Kumari D/o Devendra Prasad Singh resident of village - Baluwachak,
P.S. - Jagdishpur, District - Bhagalpur.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Secretary, Deptt. of Human Resources, Govt. of Bihar, Patna.
3. The Director, Deptt. of Panchayati Raj, Govt. of Bihar, Patna.
4. The District Panchayati Raj Officer, Bhagalpur. null null
5. The District Magistrate, Bhagalpur.
6. The Block Development Officer Jagdishpur, Bhagalpur.
7. Bibi Nargis wife of Md. Bakir Hussain resident of village - Nayachak,
Makhana, P.O. - Baluchak, District Bhagalpur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Arun Kumar, Advocate Mr. Swapnil Kumar, Advocate
For the Respondent/s	:	Ms. Rekha Prasad, Advocate
For the State	:	Mr. Mritunjay Kumar, AC to AAG 6

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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)

5 29-11-2022 Heard learned counsels for the respective parties.

Instant appeal is filed by appellant – Juli Kumari.

Appellant has assailed the order of learned Single Judge dated

24.01.2017 passed in C.W.J.C. No. 8521 of 2008. C.W.J.C. was



filed by Bibi Narghis. Order of the learned Single Judge would affect right of the appellant - Juli Kumari and she has not been arrayed as necessary and proper party in C.W.J.C. Hence the present appeal.

The present appeal by appellant – Juli Kumari is not maintainable in view of the fact that she was not party to the C.W.J.C. No. 8521 of 2008. Apex Court in the case of **Shivdev Singh and Others vs. State of Punjab and Others** reported in **AIR 1963 SC 1909** held that third party appeal cannot be entertained. Accordingly, present appeal stands disposed off reserving liberty to the appellant to file C.W.J.C. in recalling order of the learned Single Judge dated 24.01.2017 passed in C.W.J.C. No. 8521 of 2008 stating that appellant – Juli Kumari is necessary and proper party in the case of Bibi Narghis.

In the event of filing writ petition by the appellant – Juli Kumari, the Writ Court is requested to adjudicated writ petition to be filed by appellant – Juli Kumari at the earliest.

At this stage, learned counsel for the appellant submitted that in the present appeal *status quo* was ordered by virtue of interim order. The appellant is stated to have been continued in service. In view of these facts and circumstances, appellant is permitted to make necessary I.A. for *status quo* order in the writ application to be filed. Writ Court is also



requested to decide I.A. for *status quo* in the light of interim
order was operating till date.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

GAURAV S./-

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