

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.247 of 2018

In
Civil Writ Jurisdiction Case No.4121 of 2014

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The State Of Bihar and Ors

... .. Appellant/s

Versus

Krishna Sah and Ors

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.S. Raza Ahmad AAG
		Mr. Alok Ranjan AC to AAG 5
For the Respondent/s	:	Mr.Rakesh Kumar Sinha

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

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

17 18-10-2022

In the instant L.P.A, appellant has assailed the order of learned Single Judge dated 11.09.2017 passed in C.W.J.C No. 4121 of 2014. The learned Single Judge passed the following order:-

In view of the facts and discussions, made above, I find that the order, as contained in Annexure 4, is bad and, accordingly, the same is set aside. The respondents are directed to consider the case of the petitioners for their regularization as the case of the petitioner's stands on the same footing as that of Manoj Kumar Paswan, who has already been appointed, within three months from the date of receipt/production of this order.

Prima facie, there is no adverse order against the appellant State so as to present this L.P.A against the order of learned Single Judge, for the reasons that learned Single Judge has only directed the concerned appellant to consider the respondents-petitioners for regularization on par with Manoj Kumar Paswan and proceed to



appoint within a period of three months from the date of receipt/production of the order. Instead of comparing the service particulars of the respondents-petitioners on par with Manoj Kumar Paswan and to arrive at decision unnecessary L.P.A has been presented. As on today, appellants have not passed any order in terms of the order of learned Single Judge. The concerned appellant is hereby directed to pass a detailed speaking order after due comparison chart (service particulars) of respondents-petitioners and Manoj Kumar Paswan. If there is any distinction in respect of service particulars read with criteria in the policy, in respect of regularization is concerned among the respondents-petitioners and Manoj Kumar Paswan. The same shall be highlighted in the speaking order. If the respondents-petitioners are otherwise footing on par with Manoj Kumar Paswan. In that event, the competent authority/appellant is hereby directed to proceed to appoint respondents-petitioners on par with Manoj Kumar Paswan.

The aforesaid exercise shall be completed within a period of three months from the date of receipt of this order.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

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