

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1791 of 2018

In
Civil Writ Jurisdiction Case No.9443 of 2017

-
1. The State Of Bihar and Ors
 2. The Principal Secretary, Public Health Engineering Department, Government of Bihar, Bishweshwaraiya Bhawan, Bailey Road, Patna
 3. The Engineer-in-Chief-cum Special Secretary, Public Health Engineering Department, Government of Bihar, Bishweshwaraiya Bhawan, Bailey Road, Patna
 4. The Chief Engineer, Public Health Engineering Department, Government of Bihar, Patna.
 5. The Superintending Engineer, Public Health Engineering Circle, Motihari.
 6. The Executive Engineer, Public Health Division, Dhaka, District- East Champaran.
 7. The Assistant Engineer, Public Health Sub-Division, Pakaridayal District-East Champaran at Motihari

... .. Appellant/s

Versus

Surendra Singh S/o- Sri Kaplideo Singh, R/o- village-Chapra Bihari Tola, Bhusaulwa, P.S- Pakari Dayal, District- East Champaran at Motihari, presently working as Tube Well Khalasi/Key Man-Cum-Chaukidar, Public Health Division, Dhaka, District-East Champaran at MOTIHARI

... .. Respondent/s

with

Letters Patent Appeal No. 1792 of 2018

In
Civil Writ Jurisdiction Case No.8777 of 2017

-
1. The State Of Bihar and Ors
 2. The Principal Secretary, Public Health Engineering Department, Government of Bihar, Bishweshwaraiya Bhawan, Bailey Road, Patna.
 3. The Engineer- in-chief-cum- Special Secretary, Public Health Engineering Department, Government of Bihar, Bishweshwaraiya Bhawan, Bailey Road, Patna.
 4. The Chief Engineer, Public Health Engineering Department, Government of Bihar, Patna.
 5. The Superintending Engineer, Public Health Engineering Circle, Motihari.
 6. The Executive Engineer, Public Health Division, Dhaka, District- East Champaran.
 7. The Assistant Engineer, Public Health Sub-Division, Chhauradano, District-East Champaran at Motihari



... .. Appellant/s

Versus

Jawahar Lal Malakar s/o- Late Jageshwar Malakar, R/o-village Kurhan, P.O. and P.S.- Sahebpur Kamal, District- Begusarai, Presently Working as Tube Well Khalasi/Key Man-cum-Chaukidar, Public East Champaran at Motihari

... .. Respondent/s

with

Letters Patent Appeal No. 405 of 2019
In
Civil Writ Jurisdiction Case No.9720 of 2017

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Government of Bihar, Bishweshwaraiya Bhawan, Bailey Road, Patna.
3. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Government of Bihar, Bishweshwaraiya Bhawan, Bailey Road, Patna.
4. The Chief Engineer, Public Health Engineering Department, Government of Bihar, Patna.
5. The Superintending Engineer, Public Health Engineering Circle, Motihari.
6. The Executive Engineer, Public Health Division, Dhaka, District-East Champaran.
7. The Assistant Engineer, Public Health Sub-division, Dhaka, District-East Champaran at Motihari.

... .. Appellant/s

Versus

Doleshwar Prasad Son of Sri Ramchandra Prasad Resident of Village-Madhubani Ghat, P.S.-Motihari Muffasil, District-East Champaran at Motihari, presently working as Tube Well Khalasi/Keyman-cum-Chaukidar, Public Health Sub-Division, Dhaka, District-East Champaran at Motihari.

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 1791 of 2018)

For the Appellant/s : Mr. S.Raza Ahmad AAG-5

For the Respondent/s : Mr. Vijay Kumar Singh, Advocate

(In Letters Patent Appeal No. 1792 of 2018)

For the Appellant/s : Mr. S.Raza Ahmad AAG-5

For the Respondent/s : Mr. Vijay Kumar Singh, Advocate

(In Letters Patent Appeal No. 405 of 2019)

For the Appellant/s : Mr. S.Raza Ahmad AAG-5

For the Respondent/s : Mr. Vijay Kumar Singh, Advocate



CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

12 21-03-2024 State has filed the present LPAs in assailing the order dated 28.08.2018 passed in C.W.J.C. No. 9443/2017. It is a short order, therefore, it is reproduced and it reads as under:-

“ Learned counsel for the petitioner submits that the order dated 28.06.2017 passed in C.W.J.C. No. 1791 of 2008 (Birendra Kunwar Vs. The State of Bihar & Ors.) squarely covers the case of the present petitioner.

In that view of the matter, let the authority concerned should examine the fact of the present case and the case of Birendra Kunwar (supra) and if it is found that both the cases are identical, the same benefit should also be extended to the present petitioner as has been given to Birendra Kunwar.

With the aforementioned, observation, this writ application is disposed of.”

2. The appeal is against the order dated 28.08.2018 passed in C.W.J.C. 9443/2017 and such order was decided in the light of order dated 28.06.2017 passed in CWJC No.1791/2008 (Birendra Kunwar vs. The State of Bihar & Ors. On



the other hand, appellants-State have not furnished copy of the order passed in Birendra Kunwar so as to how Surendra Singh case is different or is their any LPA against Birendra Kumar and State has not apprised in the present L.P.A.

3. Accordingly, the present LPAs stand dismissed with cost of Rs.5,000/- each. Cost shall be remitted in the Patna High Court Legal Services Authority within a period of four weeks from today.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

amitkumar/-

U			
---	--	--	--

