

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

In
Civil Writ Jurisdiction Case No.9443 of 2017

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1. The State Of Bihar and Ors
 2. The Principal Secretary, Public Health Engineering Department, Government of Bihar, Bishweshwaraiya null null
 3. The Engineer-in-Chief-cum Special Secretary, Public Health Engineering Department, Government of Bi
 4. The Chief Engineer, Public Healh 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 Motihar

... .. 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

CIVIL REVIEW No. 163 of 2023

In
Letters Patent Appeal No.1792 of 2018

Jawahar Lal Malakar Son of Late Jageshwar Malakar Resident of Village- Kurhan, P.O. and P.S.- Sahebpur Kamal, District- Begusarai, Presently Working as Tube Well Khalasi/Key Man-cum-Chaukidar, Public Health- Division, Dhaka, District-East Champaran at Motihari

... .. Petitioner/s

Versus

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, Bishweshwariya 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, Dhakha, Distict- East Champaran.
7. The Assistant Engineer, Public Health Sub-Division, Chhauradano, District-East Champaran at Motihari

... .. Opposite Party/s

with
CIVIL REVIEW No. 259 of 2023
In
Letters Patent Appeal No.185 of 2018

Birendra Kunwar Son of Sri Chandra Deo Kunwar Resident of Village- Mahishi, P.S.- Bibhutipur, District- Samastipur, Retired from the Post of Plumbing Khalasi, Gramin Water Supply Scheme, Bibhutipur, District- Samastipur, under Public Health Engineering Division, Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The Commissioner and Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Government of Bihar, Patna.
4. The Chief Engineer (Mechanical), Public Health Engineering Department, Government of Bihar, Patna.
5. The Regional Chief Engineer, Public Health Engineering Department, Muzaffarpur.
6. The Superintending Engineer, Public Health Engineering Circle Darbhanga, District- Darbhanga.
7. The Executive Engineer, Public Health Engineering Division. Samastipur, District- Samastipur.
8. The Sub-Divisional Officer, Public Health Engineering, Sub- Division, Rosera, Samastipur, District- Samastipur.
9. Nagendra Singh, Son of not known to the petitioner, through the Executive Engineer, Public Health Engineering Division, Samastipur, District- Samastipur.
10. Gajendra Nath Upadhyay, Son of not known to the petitioner through the Executive Engineer, Public Health Engineering Division, Samastipur, District- Samastipur.
11. Vijay Kumar Shahi, Son of not known to the petitioner through the Executive Engineer, Public Health Engineering Division, Samastipur, District- Samastipur.
12. Motiur Rahman, Son of not known to the petitioner through the Executive



Engineer, Public Health Engineering Division, Samastipur, District-Samastipur.

13. Vinay Pratap Chaudhary, Son of not known to the petitioner through the Executive Engineer, Public Health Engineering Division, Samastipur, District- Samastipur.

... .. Opposite Party/s

Appearance :

(In Letters Patent Appeal No. 1791 of 2018)

For the Appellant/s : Mr. Abhinav Shandilya, Advocate

For the Respondent/s : Mr. Vijay Kumar Singh

(In CIVIL REVIEW No. 163 of 2023)

For the Petitioner/s : Mr. Abhinav Shandilya, Advocate

For the Opposite Party/s : Mr.S. Raza Ahmad AAG 5

(In CIVIL REVIEW No. 259 of 2023)

For the Petitioner/s : Mr. Gyanand Roy, Advcoate

For the Opposite Party/s : Mr.S. Raza Ahmad AAG 5

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

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

9 15-01-2024

Re:- Civil Review No. 163 of 2023.

Civil Review No. 163 of 2023 arising out of L.P.A No. 1792 of 2018 in which review petitioner - Jawahar Lal Malakar was a respondent. Learned counsel for the review petitioner submitted that without hearing the Respondent - Jawahar Lal Malakar, this Court has proceeded to pass order on 20th April, 2023 along with L.P.A 185 of 2018 arising out of C.W.J.C. No. 1791 of 2008. On this short ground, the review petitioner has made out a case and it is not disputed by the learned counsel for the Respondent –



State. Accordingly, the order dated 20th April 2023 in so far as the L.P.A. 1792 of 2018 stands recalled. L.P.A. 1792 of 2018 restored on the file. Civil Review No. 163 of 2023 stands allowed.

Re:- Civil Review No. 259 of 2023.

In Civil Review No. 259 of 2023. Learned counsel for the petitioner seeks time to peruse the Counter Affidavit stated to have been filed on behalf of the State.

2. Accordingly, re-list these matters, namely, L.P.A. 1791 of 2018, L.P.A. 1792 of 2018 and Civil Review No. 259 of 2023 on 12.02.2024.

3. Learned counsel for the State is hereby directed to furnish copy of the L.P.A No. 1792 and connected documents to the learned counsel Mr. Gyanand Roy within a period of one week from today.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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