

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.860 of 2019

In
Civil Writ Jurisdiction Case No.23492 of 2012

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1. The State of Bihar through its the Principal Secretary, Department of Human Resources Development, Government of Bihar, New Secretariat, Vikas Bhawan, Patna.
 2. The Director (Secondary Education), Department of Human Resources Development, Government of Bihar, Patna.
 3. The Regional Deputy Director of Education Magadh Division, Gaya.
 4. The District Education Officer, Jehanabad.

... .. Appellant/s

Versus

Shyam Kishor Mishra Son of Late Baidyanath Mishra, Resident of Village-Balbhadra Sarai, Police Station Hilsa, District- Nalanda, at present Assistant Teacher in Ramanand Sharma Asmarak Project Girls High School Jaitipur, Kuruwa Okari, Police Station- Ghosi, District- Jehanabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Vinay Pd. Singh, AC to GA-12

For the Respondent/s :

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

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

4 08-04-2024 Heard I.A. No. 2 of 2019 for condonation of delay of
251 days in filing LPA No. 860 of 2019.

2. For the reasons stated in the application read with the affidavit, condonation of delay of 251 days in filing LPA No. 860/2019 stands condoned. I.A. No. 2 of 2019 is allowed.

3. The present LPA is filed by the State in assailing the order dated 06.11.2018 passed in CWJC No. 23492/2012. It is a short order, therefore, it is reproduced and it reads as under:-



Due to inadvertence while disposing of the two writ petitions on 11.10.2018, the order of CWJC No. 23424 of 2012 was recorded in this case, whereas the order of this case was recorded in that case. Accordingly, the order No. 3 dated 11.10.2018 typed in CWJC No. 23424 of 2012 shall be read as the order passed in this case.

The aforesaid correction may be read in the order dated 11.10.2018 and the said order is modified to the aforesaid extent.

4. The appellant could not apprise as to what is error committed by the learned Single Judge so as to interfere with the impugned order dated 06.11.2018 passed in CWJC No. 23492 of 2012. If at all appellants are aggrieved, they should have questioned the validity of order dated 11.10.2018 passed in CWJC No. 23424 of 2012, so as to point out that there is an error committed by the learned Single Judge on 06.11.2018 while rectifying the order dated 11.10.2018. In other words, in the absence of challenge to the order dated 11.10.2018, the appellant has not made out a case. Accordingly, the present LPA stands dismissed with cost of Rs. 2,000/-. Cost shall be remitted in the High Court Legal Services Authority within a period of 8 weeks from today.



5. Pending I.A.(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

shahzad/
krishna kant

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