

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1294 of 2012

In

Civil Writ Jurisdiction Case No.15213 of 2011

Ms. Shivani Chaudhary, D/O Late B.M. Chaudhary, Presently Residing at Flat No.- 118, Shivam Apartment, Sadpur Nahar, Post Office - Kadam Kuan, Police Station - Kadamkuan, Patna - 800004 and working as Receptionist-cum-Telephone Operator, Bihar State Electronics Development Corporation Limited, Bailey Road, Patna.

... .. Appellant.

Versus

1. The Principle Secretary, Department of Information Technology, Govt. of Bihar, Patna.
2. The Principle Secretary, Finance, Government of Bihar, Old Secretariat, Patna.
3. The Under Secretary, Department of Information Technology, Govt. of Bihar, Patna.
4. The Manager (Marketing)-Cum-Secretary, Bihar State Electronics Development Corporation Limited, Shastri Nagar, Patna.
5. Managing Director, Bihar State Electronics Development Corporation Limited, Shastri Nagar, Patna.

... .. Respondents.

with

Letters Patent Appeal No. 78 of 2012

In

Civil Writ Jurisdiction Case No.15213 of 2011

Rajendra Roy, S/O Late Lal Kishun Roy, Resident of Village - Raghunath Tola, Post Office- Anishabad, Police Station - Gardanibagh, District - Patna and presently working as Assistant, Bihar State Electronics Development Corporation Limited, Bailey Road, Patna.

... .. Appellant.

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principle Secretary, Department of Information Technology, Govt. of Bihar, Patna.
3. The Principle Secretary, Finance, Government of Bihar, Old Secretariat, Patna.
4. The Deputy Secretary, Department of Information Technology, Govt. of Bihar, Patna.
5. The Manager (Marketing)-Cum-Secretary, Bihar State Electronics Development Corporation Limited, Shastri Nagar, Patna.
6. Managing Director, Bihar State Electronics Development Corporation Limited, Shastri Nagar, Patna.

... .. Respondents

with

Letters Patent Appeal No. 1612 of 2012

In

Civil Writ Jurisdiction Case No.8429 of 2010



Upendra Lal Karn, Son of Late Hari Kant Lal, Resident of Mohalla- Gosain
Tola East, P.O. + P.S., Patliputra, District- Patna.

... .. Appellant.

Versus

1. The State of Bihar.
2. The Principal Secretary, Information and Technology Department, Govt. of Bihar, Patna.
3. The Secretary, Department of Finance, Govt. of Bihar, Patna.
4. The Deputy Secretary, Department of Finance, Govt. of Bihar, Patna.
5. The Secretary, Department of Industry, Govt. of Bihar, Patna.
6. The Managing Director, the Bihar State Electronics Development Corporation Ltd. (BSEDC) Shastri Nagar, Patna- 23.
7. The Administrative Officer, Bihar State Electronics Development Corporation Ltd. (BSEDC) Shastri Nagar, Patna- 23.
8. The Manager (Marketing) Cum-Secretary, Bihar State Electronics Development Corporation Ltd. (BSEDC) Shastri Nagar, Patna- 23.
9. The Deputy Secretary, Information and Technology Department, Govt. of Bihar, Patna.

... .. Respondents.

Appearance :

(In Letters Patent Appeal No. 1294 of 2012)

For the Appellant : Mr. Niranjan Kumar, Advocate.
Mr. Dilip Kumar, Advocate.
Mr. Bipin Yadav, Advocate.
Mr. Subham Singh, Advocate.

For the State : Mr. Sajid Salim Khan, SC-25.

For the Beltron : Mr. Girijesh Kumar, Advocate.

(In Letters Patent Appeal No. 78 of 2012)

For the Appellant : Mr. Ajit Kumar, Advocate.

For the State : Mr. Md. Khurshid Alam, Advocate.

For the Beltron : Mr. Girijesh Kumar, Advocate.

(In Letters Patent Appeal No. 1612 of 2012)

For the Appellant : Mr. Rajesh Kumar, Advocate.

For the State : Dr. Md. Raisul Haque, SC-10.

For the Beltron : Mr. Girijesh Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 23-09-2024

On 09.09.2024, we had passed the following orders:

“Full Bench Reference decision dated
27.09.2020 passed in L.P.A. No.1294 of 2012



and connected matters was the subject matter of litigation before the Hon'ble Supreme Court in Petition(s) for Special Leave to Appeal (C) No(s).1653-1655/2021. It was dismissed on 08.02.2021.

2. Learned counsel for the respondents-Corporation on instructions submitted that Full Bench decided Reference in L.P.A. No.1294 of 2012 and connected matters beyond the Reference. This has not been appraised by the Hon'ble Supreme Court, however, it is contended that Corporation petition before the Hon'ble Supreme Court (cited supra) dismissed *in limine*. Therefore, Corporation has remedy of filing Civil Review. Civil Review has not been presented or filed till date.

3. Learned counsel for the respondents-Corporation submitted that it was COVID-19 period and was in vogue and therefore Review Petition was not filed as on this date. The same cannot be appreciated for the reasons that COVID-19 period was in vogue from March, 2020 to March, 2022. Thereafter, Corporation had sufficient time from March, 2022 to this day. Therefore, aforementioned submission is only an excuse.

4. Be that as it may, in order to provide one opportunity, Re-list these matters on 23.09.2024. It is made clear that no further time would be granted on the next date of hearing.”

2. Today, learned counsel for the respondents-Bihar State Electronics Development Corporation Limited (for short ‘Corporation’) on instructions submitted that they would not pursue the Civil Review Petition. Therefore, the present L.P.As.



stand disposed of in terms of the Full Bench decision dated 27.09.2020 read with the order dated 19.08.2024 passed in L.P.A. No.1294 of 2012 and connected matters and read with the order dated 17.03.2017 passed in L.P.A. No.533 of 2014. The present L.P.As. stand allowed in favour of the appellants.

3. The respondents-Corporation is hereby directed to settle all service and monetary dues of the appellants in accordance with the Policy decision read with judicial pronouncements within a period of six months from the date of receipt of this order, failing which appellants are entitled to litigation cost and it is quantified at Rs.5000/-(Rupees Five Thousand) each.

4. Pending Interlocutory Application(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.09.2024.
Transmission Date	NA

