

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1536 of 2019

In
Civil Writ Jurisdiction Case No.1109 of 2016

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1. The State of Bihar.
 2. The State of Bihar through the Principal Secretary, Department of Home (Police) Govt. of Bihar, old Secretariat, Patna.
 3. The District Magistrate Patna.
 4. The Sr. Dy. Collector, General, Section O/o the District Magistrate Patna.
 5. The District Education officer Govt. of Bihar Patna.
 6. The Circle officer, Athmalgola Block, Patna.

... .. Appellant/s

Versus

Sanjay Paswan s/o Devi Paswan, Resident of Village- Kamra, P.O.-
Ramnagar, P.S.- Athmalgola, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Saroj Kumar Sharma (AC To AAG 3)
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 06-05-2024

The appellants/State has filed the present LPA in assailing the order dated 22.06.2017 passed in CWJC No.1109/2016. One of the contention is that State has not filed counter affidavit in CWJC No.1109/2016. On the other hand, it is submitted that the petitioner's father was required to submit application for his son's appointment within the time limit stipulated under the statutory provision or executive order. The same has not been complied by the petitioner's father, on this short ground CWJC No.1109/2016 was liable to be rejected.



2. Be that as it may, the appellants-State have remedy of filing Civil Review for the reasons that they have failed to file counter affidavit before the learned Single Judge and apprising relevant statutory provision/executive order which stipulates certain criteria or conditions for the purpose of claiming appointment to his son while working as a Chaukidar. Taking note of these facts and circumstances, the present LPA is not maintainable.

3. Accordingly, the present LPA stands dismissed, reserving liberty to the appellants to prefer Civil Review petition against the order dated 22.06.2017, if any application for condonation of delay is submitted, in that event, the learned Single Judge is requested to take note of Section 14 of the Limitation Act, 1963 read with the Hon’ble Supreme Court decision in the case of *North Eastern Chemicals Industries (P) Ltd. And Another vs. Ashok Paper Mill (Assam) Ltd. and Another* reported in *2023 SCC Online SC 1649*.

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

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

amitkumar/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.05.2024
Transmission Date	N/A

