

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.210 of 2020

In
Civil Writ Jurisdiction Case No.12517 of 2014

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1. The State of Bihar through Secretary, Minor Water Resources Department, New Secretariat, Vikash Bhawan, Patna.
 2. The Chief Engineer, Minor Water Resources Department, New Secretariat, Vikas Bhawan, Patna.
 3. The Executive Engineer, Minor Irrigation Design Division, Riding Road, Sheikhpura, Police Station- Shastrinagar, Patna.

... .. Appellant/s

Versus

Birendra Kumar S/o Late Harihar Prasad resident of Das Kutir, East Lohanipur, Police Station- Kadamkuan, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arvind Kumar, AC to GA 9
For the Respondent/s	:	Mr. Rupak Kumar, Advocate Mr. Vikrant Kumar, Advocate

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

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

7 18-03-2025

Re : I.A. No. 2 of 2020

Heard I.A. No. 2 of 2020 filed for condonation of delay of about 72 days in filing the present LPA No. 210 of 2020.

2. For the reasons stated in the application read with the affidavit, delay of about 72 days in filing the present appeal stands condoned. I.A. No. 2 of 2020 is allowed.

3. With the consent of learned counsels for the respective parties, present appeal is taken up for final disposal.



4. Short question for consideration in the present *lis* is whether respondent – *Birendra Kumar* is required to comply 24 years of service with reference to grant of first A.C.P. in terms of A.C.P. Rules, 2003. Learned Single Judge has taken note of the aforementioned provision at paragraph Nos. 6 and 7 and explained the real position under what circumstances 24 years is required to be taken note of. Having regard to the interpretation of Clause 3 (1) (1 ऋ) (II) of the Rules, it is crystal clear that there is no infirmity in the order of the learned Single Judge dated 19.11.2019 passed in CWJC No. 12517 of 2014 so as to interfere. Accordingly, appellants have not made out a case. Hence, LPA No. 210 of 2020 stands dismissed.

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

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

GAURAV S./-

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