

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.624 of 2021

In
Civil Writ Jurisdiction Case No.14844 of 2019

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1. The State of Bihar, Through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
 2. That Director, Secondary Education, Education Department, Govt. of Bihar Patna.
 3. The Deputy Director, Secondary Education, Bihar, Patna.
 4. The Regional Deputy Director of Education, Magadh Division, Gaya.
 5. The District Programme Officer, Nawada.
 6. The District Programme Officer, Nawada.
 7. The Head Master, Project Sadho Lal Sah, Arya Kanya, Uchch Vidyalaya Akabarpur, Nawada.

... .. Appellant/s

Versus

Vinod Kumar, S/o Late Kechlal Resident of Village- Akbarpur, P.S.- Akbarpur, District- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Madhaw Prasad Yadaw, (GP-23)
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 25-02-2025

Re.: I.A. No. 01 of 2021

Heard I.A. No. 01 of 2021 for condonation of delay in filing the present L.P.A. No.624 of 2021. There is delay of about 164 day in filing the present L.P.A. For the reasons stated in the application read with the fact that most of the period covers



COVID-19, therefore, appellants have made out a case to condone the delay of about 164 days in filing L.P.A. No. 624 of 2021, Accordingly, delay in filing the present L.P.A. is condoned. I.A. No. 01 of 2021 stands allowed.

Re.: L.P.A. No. 624 of 2024

2. With the consent of respective counsels, LPA is heard on merit. Perusal of the order dated 06.04.2021 passed in C.W.J.C. No. 14844 of 2019, it is evident that respondent-Vinod Kumar has assailed two decisions of the appellants vide Memo No. 524 (P) dated 21.07.2008 passed by one of the appellants and so also Memo No. 223 (P) dated 6/7.05.2010 issued by one of the appellants and it has not been examined by the learned Single Judge.

3. On the other hand, learned Single Judge proceeded to dispose of writ petition in the light of *Maheshwar Prasad Singh and Kirti Kumar*’ case. We have also noticed that while directing the concerned authority to consider the respondent -Vinod Kumar case in the light of *Maheshwar Prasad Singh and Kirti Kumar*, he has failed to set aside the impugned Memo dated 21.07.2008 and 6/7.5.2010. Therefore, the appellants should have filed a Civil Review instead of filing LPA.

4. Accordingly, the present L.P.A. No. 624 of 2021



stands disposed of reserving liberty to the appellants to invoke
Civil Review remedy before the learned Single Judge.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

khushbu/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07.03.2025
Transmission Date	N/A

