

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.667 of 2022

In

Civil Writ Jurisdiction Case No.328 of 2018

Abnish Kumar S/o Deo Lal Singh, R/o Village- Madhubani, P.S.- Barun,
District- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Additional Secretary, Water Resources Department, Government of Bihar, Patna.
4. The Joint Secretary, Water Resources Department, Government of Bihar, Patna.
5. The Commissioner, Darbhanga Division, Darbhanga.
6. The Collector Cum District Magistrate, Madhubani.
7. The Chief Engineer, Irrigation Creation, Koshi Canal Division, Darbhanga.
8. The Superintending Engineer, Western Koshi Canal Division, Madhubani.
9. The Executive Engineer Western Koshi Canal Division, Madhubani.
10. The Sub Divisional Officer, Western Koshi Canal Sub-Division, Rampatti, Madhubani.
11. The Sub Divisional Officer, Western Koshi Canal Sub-Division, Head Quarter, Madhubani.
12. Sri Narayan Prasad Yadav, Son of Dharamnath Yadav, resident of Village- Sarabay, Police Station- Khajauli, District- Madhubani.
13. Jal Govind Ram, son of Late Ram Khelawan Ram, resident of Village- Chamtha Bar Khut, Police Station- Bachhwara, District- Begusarai.
14. Hiranman Thakur, son of Late Luran Thakur, resident of Village- Ranuchak Makandpur, Police Station- Akbarnagar, District- Bhagalpur.
15. Maqsood Alam, son of Late Abdul Vadud, resident of Village- Behta, Police Station- Khajauli, District- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar, Adv.

For the Respondent/s : Mr. Anjani Kumar (AAG 4)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER



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

13 03-07-2025 On 24.04.2025, we have passed the following
order:-

“Pursuant to earlier order Mr. Brajesh Kumar Nirala, Executive Engineer, Western Kosi Canal Division, Madhubani is present in the Court.

*2. Respondent – Executive Engineer or Chief Engineer is hereby directed to take out service particulars of the petitioner and examine four criteria narrated in the case of **Secretary, State of Karnataka and Others vs. Uma Devi (3) and Others** reported in **(2006) 4 SCC 1**. Further, later judgments of the Hon’ble Supreme Court in the case of **Jaggo vs. Union of India and Others with Anita and Others vs. Union of India and Others** reported in **2024 SCC OnLine SC 3826** read with **Shripal and Another vs. Nagar Nigam, Ghaziabad** reported in **2025 SCC OnLine SC 221**. In this regard, a detailed speaking order shall be passed by the concerned authority (Executive Engineer/Chief Engineer) and place it on record before the next date of hearing.*

3. Relist this matter on 15.05.2025.

4. Personal appearance of Executive



Engineer stands dispensed for the time being.”

2. On 08.05.2025, Chief Engineer, Irrigation Creation, Water Resources Department, Darbhanga has passed a detailed speaking order after considering the petitioner’s service particulars read with the judicial pronouncement. Accordingly, the appellant has not made out of a case.

3. Hence, the present LPA No. 667 of 2022 stands disposed of reserving liberty to the appellant to assailed the order of the Chief Engineer, dated 08.05.2025 with certain service particulars and material information in filing a fresh Writ Petition.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Nirajkrs/-

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