

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No. 1467 of 2023

In
Civil Writ Jurisdiction Case No.12487 of 2019

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1. The State of Bihar through the Principal Secretary, Minor Water Resources Department, Government of Bihar, Patna.
 2. The Principal Secretary of the Finance Department, Government of Bihar, Patna.
 3. The Chief Engineer of the Minor Water Resources Department, Government of Bihar, Patna.
 4. The Superintending Engineer of Minor Water Resources Circle, Patna.
 5. The Executive Engineer of the Minor Irrigation Division, Patna.

... .. Appellant/s

Versus

1. Lalan Kumar Son of Late Hari Pandit, Resident of Village- Mohanchak, P.S.- Islampur, District- Nalanda.
2. Uma Shankar Yadav, Son of Late Chandrama Yadav, Resident of Village- Bali Ke Tola, P.S.- Krishnagarh, District- Bhojpur.
3. Pramod Kumar, Son of Late Bhuneshwar Prasad, Resident of Mohalla- Rampur, Behind Bank of India, P.O. and P.S.- Khagaul, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar Sinha, AC to GA-9
For the Respondent/s : Mr. Siyaram Pandey, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

9 12-11-2025 Following is the relief sought in the present

 appeal:-

*“1. That, the instant appeal is directed
against the order dated 11.05.2023 passed
by the learned Single Judge in CWJC No.
12487 of 2019 by which writ application of
the petitioners has been allowed in terms*



of order dated 02.03.2023 passed in CWJC No. 6994/2020 quashing the orders dated 28.07.2017, 15.05.2018 and 19.06.2018 with direction that the petitioners shall be entitled for the consequential benefits and recoveries already made from the petitioners shall be returned to them within a period of three months.”

2. Following consideration has been made by the learned Single Judge in the order dated 11.05.2023 passed in CWJC No. 12487 of 2019, which is quoted hereinbelow:-

“Learned counsel submits that out of eight appointees under Annexure ‘4’ to this writ application, four had moved this Court earlier in CWJC No 6994/2020. The said writ application was heard along with other analogous matters and disposed of vide order dated 02.03.2023.

*It is submitted that in the said case this Court had occasion to examine the Finance Department resolution no. 3111 dated 25.03.2015. This Court had also gone through the judgments of learned coordinate Bench of this Court in the case of **Binit Kumar and others Vs. The State of Bihar and Anr. in C.W.J.C. No. 9921/2017 and other analogous matters.***

It is submitted that a similar order be passed in the present case as well.



Mr Umesh Kumar Roy, AC to GP-II appears for the State. He was given an opportunity to go through the earlier judgments of this Court and take a stand. It is admitted on behalf of the State that the case of the petitioner would be covered by the judgment of this Court in CWJC No. 6994/2020 and other analogous matters.

In the aforesaid view of the matter, this writ application is being disposed of in terms of order dated 02.03.2023 passed in CWJC No. 6994/2020.

The impugned orders are hereby quashed. The petitioner shall be entitled for the consequential benefits. The recoveries already made from the petitioners shall be returned to them within a period of three months from today.

This Writ Application is allowed”

3. Considering the above referred facts, it is evident that the case of the writ petitioners was disposed of in terms of the order dated 21.08.2017 passed in CWJC No. 9921 of 2017, where the issue was of reversion to the post of Lower Division Clerk.

4. Against CWJC No.9921 of 2017 an intra court appeal was preferred. The Division Bench of this Court affirmed the order dated 21.08.2017 in LPA No.1702 of 2017 vide order



dated 11.07.2018. Against the said order, further an appeal was preferred before the Hon'ble Supreme Court vide SLP No. 23778 of 2018 and the said appeal was dismissed by the Hon'ble Supreme Court vide order dated 28.09.2018.

5. Upon perusal of records of the case, it is evident that the issues raised herein are identical to the issues which have been raised in CWJC No. 9921 of 2017.

6. Considering the fact that the issue has already been settled by the Division Bench of this Court, and further affirmed by the Hon'ble Supreme Court, we find no reason to interfere with the order passed by the learned Single Judge.

7. Accordingly, the present writ petition stands dismissed.

8. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

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