

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.526 of 2024
In
Civil Writ Jurisdiction Case No.4082 of 2020

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1. The State of Bihar through Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
 2. The Under Secretary, Department of Mines and Geology, Government of Bihar, Patna.
 3. The Director, Mines and Geology, Department, Bihar, Patna.
 4. The Deputy Director, Mines and Geological Department, Patna Circle, Patna.

... .. Appellant/s

Versus

1. Mahendra Prasad Son of Late Harihar Prasad Resident of Mohalla-Sundargah (Bhainsasoor), P.O. and P.S.-Biharsharif, District-Nalanda.
2. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sunil Kr. Mandal, SC-3 Mr. Bipin Kumar, AC to SC-3
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

3 26-02-2026

Re: I.A. No. 02 of 2024

Learned counsel for the appellant presses I.A. No. 02 of 2024 for condoning the delay of 02 months and 11 days in preferring this appeal.

2. For the reasons stated in the application, the delay in preferring this appeal is condoned.

3. I.A. No. 02 of 2024 stands allowed.



Re: L.P.A. No. 526 of 2024

4. Following is the relief sought for in the present
intra court appeal:-

“1. That the present memo of appeal is being filed on behalf of the above named appellants arising out of Judgment dated 02.02.2024 passed in C.W.J.C. No. 4082/2020 by Hon’ble Mr. Justice Dr. Anshuman whereby and whereunder the Hon’ble Court has been pleased and set aside the order contained in memo no. 1188 dated 06.04.2015 and also subsequent order contained in Memo no. 4736 dated 12.12.2019 in which under Secretary, Mines and Geological Department, Government of Bihar, the pension of the petitioner/Respondent has been forfeited permanently.”

5. The appellants has placed reliance upon the judgments rendered in **Shambhu Sharan Sharan Vs. The State of Bihar & Ors.**, reported in **1991 SCC OnLine Pat 341** and **State of Bihar & Ors. Vs. Dinesh Prasad**, reported in **2008 SCC OnLine Pat 148**. It is submitted that the learned Single Judge while passing the impugned order, has not taken into consideration the ratio laid down in the aforesaid decisions.

6. Having heard learned counsel for the parties and without expressing any opinion on the merits of the case, we are of the view that the appropriate remedy for the appellants would be to seek review of the order dated 02.02.2024 passed in



C.W.J.C. No. 4082 of 2020.

7. Accordingly, the appellant is permitted to file a review application within a period of 30 days from today.

8. With the aforesaid liberty, the present *intra* court appeal stands disposed of.

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

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

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