IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 569 of 2025

1. The State of Jharkhand
2. Principal Secretary, Department of Health, Medical Education & Family Welfare, Government of Jharkhand at Project Bhawan, P.O. & P.S. Dhurwa, District Ranchi.
3. Civil Surgeon -cum-Chief Medical Officer, Deoghar; Officiating from Deoghar, P.O. & P.S. - Deoghar, District -Deoghar.

... Appellants

Versus

Kamdeo Bhaiya, Son of Kashi Nath Bhaiya; Resident of Village - Jama, P.O. & P.S. -Madhupur & District - Deoghar, Jharkhand.

... Respondent

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Appellants: Mr Devesh Krishna, S.C. (Mines)-III
Mr Faisal Allam, A.C. to S.C.(Mines)-III

For the Respondent: Mrs. Ritu Kumar, Advocate
Mr Samavesh Bhanj Deo, Advocate
Mr Raj, Advocate

03/Dated: 28.10.2026

1. Heard Mr Devesh Krishna, learned S.C. (Mines)-III for the Appellants; and Mr Samavesh Bhanj Deo, learned counsel, along with Mr Raj, learned counsel for the respondent.

2. I.A. No. 6525 of 2025 seeks condonation of delay of 194 days in filing the accompanying appeal.

3. We have perused the averments in the I.A. and in the peculiar facts of this case, we are satisfied that sufficient cause has been shown.

4. Though there is reference to movement of files from one table to the other, we are satisfied that in this case, there was some genuine confusion about the fate of the judgment and order

passed by the Hon'ble Patna High Court, relied upon by the learned Single Judge in the impugned order.

5. The records now show that the judgment and order dated 06.10.2009 in CWJC No. 6575 of 2009 and analogous matters were upheld by the Division Bench of the Hon'ble Patna High Court. However, the judgment of the appellate Court was set aside by the Hon'ble Supreme Court in the case of ***State of Bihar and others Vs Kirti Narayan Prasad, (2019) 13 SCC 250*** and in the case of ***State of Bihar and others Vs. Devendra Sharma, (2020) 15 SCC 466***.

6. In view of the above, we condone the delay and dispose of I.A. No. 6525 of 2025.

7. With the consent of the learned counsel for the parties, the appeal is taken up for hearing.

8. This appeal is directed against the learned Single Judge's order dated 26.09.2024 allowing the respondent's W.P.(S) No. 3501 of 2016. The learned Single Judge, without adverting to the merits of the matter, allowed the respondent's W.P.(S) No. 3501 of 2016 by relying entirely on the decision of the Hon'ble Patna High Court in C.W.J.C. No. 6575 of 2009 and analogous matters.

9. The records now show that the Hon'ble Supreme Court reversed the decision of the Hon'ble Patna High Court relied upon by the learned Single Judge in ***State of Bihar and others v. Devendra Sharma, (2020) 15 SCC 466***.

10. The learned Single Judge was unaware of such reversal, possibly because the same was not pointed out. The learned

Single Judge has observed that the respondents in the writ petition, i.e. the appellants herein, had not preferred any appeal against the order of the Hon'ble Patna High Court or against the order of the learned Single Judge of this Court and therefore, the directions issued in the said cases were binding upon the appellants herein.

11. It now transpires that the decisions relied upon by the learned Single Judge of this Court had already been reversed by the Hon'ble Supreme Court; therefore, a case is made out for quashing and setting aside the impugned judgment and order dated 26.09.2024.

12. However, as noted earlier, the learned Single Judge's order did not address the merits of the matter or consider the other contentions raised on behalf of the respondent in W.P.(S) No. 3501 of 2016. Therefore, as correctly submitted by Mr Samavesh Bhanj Deo, a case is made out for remand and restoration of W.P.(S) No. 3501 of 2016 to the file of the learned Single Judge so that the matter may be considered afresh on merits.

13. Accordingly, this appeal is disposed of by setting aside the learned Single Judge's order dated 26.09.2024 and restoring and remanding W.P.(S) No. 3501 of 2016 to the learned Single Judge for fresh consideration and disposal in accordance with law.

14. The parties/their learned counsel may appear before the learned Single Judge having the Roster on 14th December,

2026 so that the learned Single Judge can fix an appropriate date for hearing and disposal of W.P.(S) No. 3501 of 2016.

15. The Registry shall ensure that this matter is posted on 14th December, 2026, under the caption “High on Board”, before the learned Single Judge having the Roster to deal with this matter, so that the learned Single Judge can fix an appropriate date for disposal of this petition.

16. All concerned must act on an authenticated copy of this order. Other pending Interlocutory Applications do not survive and are disposed of.

(M. S. Sonak, C.J.)

(Manoj Prasad, J.)

October 28, 2026

N.A.F.R.

APK/VK

Uploaded on 30.10.2026