
(2020) 12 PAT CK 0365

In the Patna High Court

Case No : Letters Patent Appeal No. 5 Of 2015, Civil Writ Jurisdiction Case No. 3372 Of 2014

Dinesh Kumar

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 14-12-2020

Acts Referred:

Citation : (2020) 12 PAT CK 0365

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Santosh Kumar Verma, S.P. Singh

Final Decision : Disposed Of

Judgement

This appeal is directed against the judgment dated 10.10.2014 passed in C.W.J.C. No. 3372 of 2014, titled as Dinesh Kumar Vs. The State of Bihar & Ors., by a learned Single Bench of this Court.

It is not disputed before us that at this point in time, the writ petitioner, pursuant to the orders passed by the learned Single Judge is not in service.

However, learned counsel for the writ petitioner/appellant herein relies upon the decision rendered by a co-ordinate Bench of this Court in L.P.A.

No.623 of 2014, titled as Pradeep Narayan Jha Vs. The State of Bihar & Ors., which is pending before Honâ??ble The Apex Court and the

petitioner therein is continuing to serve the State only by virtue of an order passed by the Honâ??ble Apex Court.

Learned counsel further states that the petitionerâ??s case would be squarely covered vide order passed in the case of Pradeep Narayan Jha

(supra). While at this point in time, the writ petitioner, namely Dinesh Kumar is

not in service and we see no reason to direct his reinstatement.

Learned counsel states that the appeal can be disposed of with the direction to the State to consider the petitioner's case in the light of the

decision which may ultimately be rendered by Hon'ble The Apex Court in the case of Pradeep Narayan Jha (supra).

We see no reason in not acceding to this prayer of the petitioner/appellant.

As such, the appeal is disposed of in the following terms:

(a) The present appeal is not pressed by the petitioner/appellant with the liberty that he shall approach the respondent State inviting attention to the

decision which may ultimately be rendered by Hon'ble The Apex Court in the case of Pradeep Narayan Jha (supra).

(b) The State will consider the petitioner's case in the light of such decision in accordance with law. Whether the petitioner's case would be

covered in terms of the decision rendered by Hon'ble the Apex Court, is an issue left open to be considered by the appropriate authority.

However, if the authorities do arrive at such a conclusion, then petitioner shall be entitled to benefits as per law which shall be accorded immediately.

If the petitioner is still aggrieved, liberty granted to approach the Court by way of a fresh petition.

Needless to add, while taking such decision, the authority shall assign reasons which shall be communicated to the petitioner/appellant.

Appeal stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.