

(2020) 12 PAT CK 0094

In the Patna High Court

Case No : Letters Patent Appeal No. 57 Of 2005

State Of Bihar And Ors

APPELLANT

Vs

Rang Nath Sharma

RESPONDENT

Date of Decision : 10-12-2020

Acts Referred:

Citation : (2020) 12 PAT CK 0094

Hon'ble Judges : Sanjay Karol, CJ;Prabhat Kumar Singh, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Nobody appears on behalf of appellants to press the appeal. On the last occasion also i.e. on 13-11-2020, nobody appeared on behalf of the appellants/State.

2. On perusal of record, it appears that this Letters Patent Appeal has been preferred against order dated 05-10-2004 passed in C.W.J.C. No. 1914 of

2004, whereby termination order issued under the signature of Deputy Secretary, Department of Secondary Primary and Adult Education,

Government of Bihar, Patna, vide Letter No. 24/fu0 27/200 ft0 fâ?k0 2284 dt. 12-09-2001, which was communicated to the writ petitioner through

Memo No. 501 dated 26th September, 2001 (Annexure 7 to the writ application), has been set aside and the writ petitioner was directed to be

reinstated in service with all consequential monetary benefits.

3. The factual matter, relating to filing of this appeal, is that the writ petitioner Rang Nath Sharma was appointed on the post of Clerk-cum-Accountant

in the Adult Education, Govt. of Bihar, and subsequently, he came under non-formal education scheme and after working for about 16 years, he was

terminated from service.

4. It is an old matter pertaining to the year 2005 and the impugned order has been passed on 05-10-2004. By efflux of time, it appears that sole

respondent (writ petitioner) must have superannuated, in view of the fact that his date-of-birth is 20-01-1954, which is apparent from the gradation list

of the employees, kept as Annexure 5 to the writ application.

5. From perusal of the ordersheets, it also appears that operation of the impugned order was never stayed during the pendency of the appeal and as

such, we are of the opinion that with the passage of time, the present appeal has become infructuous.

6. Accordingly, this Letters Patent Appeal stands dismissed as same has become infructuous.