

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6623 of 2011

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Binod Kumar Singh son of Late Gaya Singh resident of Village - Debria
Kothi, P.S. - Paru, District - Muzaffpar

.... Petitioner/s

Versus

1. B.R.A., Bihar University, Through The Vice Chancellor, B.R.A., Bihar University, Muzaffarpur
2. Registrar, B.R.A., Bihar University, Muzaffarpur
3. Principal, Rambriksha Benipuri Mahila College, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

8 12-04-2016 Heard learned counsel for the petitioner and Sri Vikash Ratan Bharti, learned counsel, who has appeared on behalf of the respondent /B.R.A. Bihar University.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has made a peculiar prayer for directing the respondents to allow him to work in Rambriksha Benipuri Mahila Vidyalaya on the basis of a so -called appointment letter i.e. Annexure – ‘1’ to the writ petition, which suggests that it was issued on the basis of decision of the Governing Body of the College, which was private in nature. Annexure – ‘1’ itself, which is dated 27.4.1979, shows that appointment was made only for a period of one year.



A claim has been made that in the year 1980 the College in question was made a constituent College of the B.R.A. Bihar University. The petitioner has pleaded in the writ petition that from 8.5.1979 he started to discharge duty and after the month of November 1994 he was restrained from functioning. Though the petitioner, as claimed, was restrained in the year 1994 itself, the present writ petition was filed in the month of April, 2011 for issuance of direction to allow the petitioner to work on the post.

In this case a counter affidavit has been filed on behalf of the B.R.A. Bihar University. The University in its counter affidavit has asserted that it has even sought information from the concerned College on the fact as to whether the petitioner had worked or not, which has been replied vide Annexure - 'B' by the Principal of the concerned College, which goes against the petitioner. Of-course, reply to the counter affidavit has been filed. Learned counsel for the University submits that save and except Annexure - '1' which is a purported appointment letter, there is no record available.

In view of the fact that petitioner, if for the time being it is assumed that he was functioning in the College, as admitted he was restrained in the year 1994 itself, thereafter there was no occasion for the petitioner to slumber over his right

for such a long period. The cause of action, if any arose in the year 1994 itself. No plausible explanation has been given regarding delay.

I do not find any ground to pass any favourable order.

The writ petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

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