

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.80 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 7947 of 2012

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Sushil Kumar, Son of Late Fakirchand Yadav, Resident of Village Jalalgarh, P.S.
Jalalgarh, District Purnia

.... Appellant

Versus

1. The Vice Chancellor, B.N. Mandal University, Laloo Nagar, Madhepura
2. The Registrar, B.N. Mandal University, Laloo Nagar, Madhepura
3. The Principal, H.S. College, Udakishanganj
4. The Public Information Officer, B.N. Mandal University, Madhepura
5. Dr. Amol Roy, Son of Not Known, resident of Village Laxmipur, P.S.
Udakishanganj, District- Madhepura, at present posted as Reader, in the
Department of Maithili, H.S. College, Udakishanganj, Madhepura, District
Madhepura

.... Respondents

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Appearance :

For the Appellant : Mr.

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 06-04-2016

Heard learned counsel for the appellant and the respondents.

2. The present Letters Patent Appeal is directed against an
order dated 1st of May, 2012 passed by the learned Single Bench of this

Court in C.W.J.C. No. 7947 of 2012, whereby the writ application filed against the appointment and working of Respondent No. 5 since 1982 in the Maithili Department was dismissed with costs of Rs. 10,000/-.

3. The appellant claims to be an unemployed Junior Engineer but doing social work. He has challenged the appointment of Respondent No. 5 as teacher of Maithili in H.S. College, Udakishanganj, made on 21st of October, 1982. The allegation of the appellant is that there is no sanctioned post of teacher in Maithili in the College nor there is Maithili Department, nor there is any teaching work of Maithili in the College. Therefore, the drawing of salary by the said respondent is illegal.

4. The learned Single Bench found the writ application to be *mala fide*, wherein the appointment is said to be disputed after 28 years.

5. Still aggrieved, the appellant is in appeal. It appears that the present proceeding is not only *mala fide* but to settle the personal scores against a teacher, who is working since the year 1982. The credentials of the appellant seriously raise doubt, more so, when he is an unemployed Junior Engineer but said to be a social worker. What kind of social work he has done, has not been disclosed.

6. We find that invocation of jurisdiction of this Court challenging the appointment of Respondent No. 5 after almost 28 years, is nothing but abuse of process of law, lacks *bona fide* and is, in fact,

mischievous.

7. Thus, we do not find any merit in the present Letters Patent Appeal. The same is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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