

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.123 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 5613 of 2011**

Dr. Ramesh Prasad Verma, S/o Late Vayash Prasad Verma, Resident of Village - Doghara, P.O. Bahpura, P.S. - Bihta, District - Patna, at present Principal Chandradev Prasad Verma College, Simri, Bihta, District - Patna.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Human Resources, Government of Bihar, Vikash Bhawan, Patna.
3. The Director, Higher Education, Government of Bihar, Vikash Bhawan, Patna.
4. The Deputy Director, Department of Higher Education, Government of Bihar, Vikash Bhawan, Patna.
5. The Magadh University, Bodh-Gaya through its Registrar.
6. The Vice Chancellor, Magadh University, Bodh Gaya.
7. The Registrar, Magadh University, Bodh Gaya.
8. The Sub-Divisional Officer, Danapur, Patna.
9. The Sub-Divisional Officer, Danapur and Government Representative-cum-President of Ad-hoc Committee of Chandradev Prasad Verma College, Simri, Bihta, District - Patna.
10. The Professor Krishnandan Yadav, Lecturer of Gaya College, Gaya, Department of Hindi, Magadh University, Bodh-Gaya and Secretary of Ad-hoc Committee and University Representative of Chandradev Prasad Verma College, Simri, Bihta, District - Patna.
11. Argha Nand Sharma, Son of Late Sharbwa Nand Sharma Resident of Village + P.O. - Panwari, P.S. - Sikrahtta, District - Bhojpur, presently residing at Bihta, District - Patna and claiming to be Professor-Incharge of Chandradev Prasad Verma College, Simri, Bihta, District - Patna.

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Bioshnu Kant Dubey, Advocate.
For the State : Mr. Prabhu Narayan Sharma, AC to AG.
For the University : Mr. Girijesh Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 21-04-2016

Heard learned counsel for the parties.

2. The challenge in the present Letters Patent Appeal is to an order passed by the learned single Bench of this Court on 18.01.2012 in

C.W.J.C. No. 5613 of 2011, wherein the appellant was given liberty to get an appropriate declaration from a Civil Court of competent jurisdiction.

3. The grievance of the petitioner is that he has been appointed as Principal of the Chandradev Prasad Verma College, Simari, Patna and such appointment stands approved by the Magadh University on 10.05.2014. It has further been point out that in terms of the impugned order, such approval has been withdrawn on 16.09.2014.

4. We find that the appellant has an independent cause of action to impugn the withdrawal of approval granted on 16.09.2014 after the same was earlier granted on 10.05.2014. All these, approval and withdrawal are subsequent to the order passed by the learned single Bench and; therefore, such subsequent cause of action cannot be taken into consideration for the purpose of deciding the present Letters Patent Appeal.

5. In view thereof, the Letters Patent Appeal is disposed of with liberty to the appellant to challenge the cancellation of approval issued vide letter dated 16.09.2014. The order passed by the learned single Bench on 18.01.2012 will not come in the way of the appellant to avail the remedy of writ application against the action of withdrawal of approval.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/P.Kumar
N.A.F.R.

U			
---	--	--	--