

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2889 of 2014

In
LPA 112 of 2009

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Ram Krishna Prasad, Son of Sri Ram Balam Singh Resident of Village-
Mohanpur, P.S.- Begusarai, Mufassil, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Hon'ble Chancellor, Bihar Official Raj Bhawan, Patna.
3. Lalit Narayan Mithila University, Darbhanga.
4. The Vice-Chancellor, Lalit Narayan Mithila University, Darbhanga.
5. Registrar, Lalit Narayan Mithila University, Darbhanga
6. The Principal, Dewan Bahadur Kameshwar Narayan Mahavidyalaya,
Narhan.
7. Jadunandan Prasad Son of Late Munna Mahto Resident of Village-
Surghighat (Shivnathpur) P.S.- Bibhutipur, District- Samastipur.

.... Opp.Parties

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Appearance :

For the Petitioner/s	:	Mr. Rajneesh, Advocate
For the Chancellor	:	Mr. Rajendra Kumar Giri, Advocate
For LNM University	:	Mr. Chandra Mohan Singh, Advocate
For Resp. No. 7	:	Mr. Pramod Mishra, Advocate
		Mr. Prafull Chandra Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE RAMESH KUMAR
DATTA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

7 11-03-2016

The application is for restoration of LPA No. 112

of 2009 which was dismissed in default on 1st of July, 2014.

The petitioner points out that his counsel could not
make himself present in the Court when the case was called out
because he was getting treatment of his old and ailing mother.

In view of the cause shown by the petitioner, we

deem it appropriate to allow the present application and restore LPA No. 112 of 2009 to its original file.

The application stands allowed accordingly.

LPA No. 112 of 2009:

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench whereby the claim of the appellant for taking into consideration his temporary service while making appointment to the post of Lecturer was not found to be meritorious.

The University Service Commission recommended Respondent no. 7 for the post on 30th August, 1974 whereas the appellant was recommended for the 2nd post. The appellant claims that the respondents have not taken into consideration his services on temporary post as he was appointed prior to Respondent no. 7 in the college in question.

We do not find any merit in the present Letters Patent Appeal. The recommendation of the University Service Commission is for appointment of Lecturers on merit in pursuance of a fresh selection process. The temporary or ad hoc service rendered by the appellant cannot be taken into consideration for determining the merit.

We do not find any error in the order passed by

the learned Single Bench which may warrant any interference in the present intra court appeal.

The Letters Patent Appeal is, accordingly, dismissed.

(Hemant Gupta, J)

(Ramesh Kumar Datta, J)

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