

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.751 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 19641 of 2013**

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Anil Kumar, Son of Sri Murlidhar Singh, Resident of Mohalla - Brahampura, P.S.-
Brahampura, District - Muzaffarpur.

.... Appellant/s

Versus

1. Rajendra Agricultural University through its Registrar, PUSA, Samastipur.
2. The Vice Chancellor of Universities, Bihar, Patna.
3. Recruitment Officer, Rajendra Agricultural University, PUSA Samastipur.
4. The Assistant Director (Recruitment), Rajendra Agricultural University, PUSA, Samastipur.
5. Umesh Kumar Singh, Son of Late Brijnandan Singh, at present posted as Junior Scientist-cum-Assistant Professor, Faculty of Agriculture (Plant Breeding) at AICRP Sunflower, TCA, Dholi, Muzaffarpur.
6. Mrs. Abha Mishra. Daughter of Sri Sadanand Jha, at present posted as Assistant Professor, Faculty of Agriculture (Plant Breeding), P.G. Department, Rajendra Agricultural University, PUSA Samastipur.
7. The State of Bihar through the Secretary, Department of Agriculture, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prabhu Nath Pathak, Advocate.

For the Respondent/s :

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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: 02-08-2016

Re.:I.A. No. 3125 of 2015

The application is for condonation of delay of 2 days in
filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory
Application, we are satisfied that the appellant has shown sufficient
cause to seek condonation of delay of 2 days in filing the present

Letters Patent Appeal.

3. Consequently, Interlocutory Application No. 3125 of 2015 is allowed and delay of 2 days in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 751 of 2015

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 1st of December, 2014 in C.W.J.C. No. 19641 of 2013 whereby the writ application filed by the appellant has been dismissed.

3. The entire basis of the writ application before the learned Single Bench was a liberty granted to the appellant to avail appropriate remedy questioning the entitlement of the private respondents to continue on the post of Junior Scientist-cum-Assistant Professor.

4. The said liberty was given in a Special Leave Petition directed against an order of the Division Bench of this Court in L.P.A. No. 1566 of 2010, whereby an appeal filed by the appellant was dismissed maintaining the order passed by the learned Single Bench on 3rd of August, 2010. The grounds of challenge, as are raised in the present Letters Patent Appeal, were also the grounds taken before the learned Single Bench, which order stands affirmed by the Letters

Patent Bench. Such contention of the appellant did not find favour in the earlier round of litigation.

5. Once the issue has been raised and decided by this Court in earlier round of litigation, the appellant under the guise of liberty granted by the Supreme Court cannot be permitted to re-agitate the concluded issues. We find that the present proceedings are nothing but an abuse of the process of law.

6. Consequently, we do not find any error in the order passed by the learned Single Bench which may warrant interference in the present intra court appeal.

7. The Letters Patent Appeal is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P./Anand
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