

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15717 of 2013

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Mahendra Prasad Yadav son of late Chhattu Yadav, resident of village Peeparpanti, Nath Nagar P.O. Champanagar, P.S. Lalmatia, Dist. Bhagalpur.

.... Petitioner/s

Versus

1. The Tilka Manjhi Bhagalpur University through Registrar, T.M. Bhagalpur University.
2. The Vice Chancellor, T.M. Bhagalpur University, Bhagalpur.
3. The Principal, T.N.B. College, Bhagalpur.
4. Tulo Yadav son of late Chhattu Yadav, resident of village Peeparpanti, Nath Nagar, P.O. Champa Nagar, P.S. Lalmatia, Dist. Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Pravina Kumari

For the Respondent/s : Mr. Ashok Kumar Keshari

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 26-04-2016 Heard counsel for the petitioner and Mr. Chandra Kant for the respondent Tilak Manjhi Bhagalpur University (for short 'the University').

The writ application seeks a direction upon the respondent – University to take appropriate action against the private respondent no.4 who was appointed on Class-IV post in T.N.B. College, Bhagalpur after having undergone the process of selection. In substance, the grievance is that in obtaining the employment, the respondent no.4 gave name of his father and the date of his birth incorrectly. In this connection, he has drawn attention of the Court to School Leaving Certificate (Annexure-1) in which the date of birth of the petitioner is recorded as



21.10.1959. It is stated that petitioner and respondent no.4 are half brothers. Mother of both of them is same whereas the father of petitioner is Late Chhattu Yadav whereas respondent no.4 Tulo Yadav is the son of Saryu Yadav. This factum has also been suppressed. The mother of Tulo Yadav solemnized second marriage with Late Chhattu Yadav. On the basis of this incorrect information, it is stated that the employment was obtained. The writ application merits to be allowed directing the respondents to make enquiry.

Mr. Chandra Kant, in contra, submits that the writ petition in the form and with the substance it is filed is not maintainable. The process of selection was undergone in which the respondent no.4 produced documents in support of his age which was verified and thereafter the appointment was granted. It is a family feud between both the parties arising out of Title Suit filed by the respondent no.4 seeking partition in the property of the writ petitioner and the present writ application has been filed since the father of the respondent no.4 before marriage of his mother with Chhattu Yadav had died. It is possible that subsequently name of the father was changed by Chhattu Yadav himself and the said document was produced. It is not a case where the respondent no.4 suffered from inherent ineligibility

for the post. No enquiry as required for issuance of writ of quo warranto is fit to be ordered.

I find substance in the submission of Sri Chandra Kant. The writ application is dismissed.

(Kishore Kumar Mandal, J)

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