

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1636 of 2015
IN
Civil Writ Jurisdiction Case No. 18416 of 2011**

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1. The State of Bihar
2. The Principal Secretary, Human Resources Department (Now Education Department) Government of Bihar, New Secretariat, Patna

.... Appellant/s

Versus

1. Lal Mohar Singh Son of Ram Chandra Singh Resident of village - Kaithe, Post Kaithe, District - Bhojpur
2. The Vir Kunwar Singh University, Ara through its Vice Chancellor
3. Vice Chancellor, Vir Kunwar Singh University, Ara
4. The Registrar, Vir Kunwar Singh University, Ara
5. The Principal, M.V. College, Buxar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Surya Deo Yadav, AAG 9

For the Respondent/s : Mr. Rajesh Prasad Choudhary

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 15-05-2017

Notice was issued upon respondent no.1 i.e. private respondent both on the limitation, stay as well as in the appeal. Despite valid service of notice, there is none to represent the said respondent. Counsel for the University is present.

Learned Additional Advocate General representing the State of Bihar submits that since there were two writ applications, which were disposed of by a common order dated 16.4.2014, two appeals have been filed. Besides the present appeal, LPA No.1408 of 2014 was taken up and the same was dismissed on 3.5.2017 for the reasons assigned therein.



There has been delay of one year and 86 days. Because of the reasons indicated in the condonation application, IA No.7462 of 2015 is allowed. Delay is condoned.

Since the appeal itself is being disposed of on merits, I.A. No.7463 of 2015, which is a petition for stay, is rejected.

Heard counsel for the State as well as counsel for the University.

For the reasons assigned in LPA No.1408 of 2014 in the following terms reproduced below, even this appeal is fit to be dismissed for the same set of reasoning.

“Appeal is against the order dated 16.04.2014, passed by the learned Single Judge. The learned Single Judge has passed a very simple and innocuous order, in fact, accepting the stand of the State with regard to their Memo No.608 dated 10th of April, 2012, which was brought on record as Annexure- A to the counter affidavit in the writ application and gave a direction to pay the pay- scale to the Demonstrators fixed as per notification dated 10th of April, 2012. In fact, there is not even a whisper as to what kind of pay-scale is required to be paid or extended to respondent no.1.

The reason for filing the appeal is not appreciated or understood by the Court. The matter is totally in the hands of the State and it is open to the State authorities who have to take a call to go strictly by the notification dated 10th of April, 2012. Nothing by way of interference is otherwise warranted with the impugned judgment and order dated 16.4.2014.”

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.5.2017
Transmission Date	NA

