

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.230 of 2014

IN

Civil Writ Jurisdiction Case No. 15424 of 2013

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1. Abhay Kumar Singh Son Of Kameshwar Pd. Singh Resident Of Village Ruphara,
P.S. Shikarganj, District - East Champaran

.... Appellant/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department,
Government of Bihar, Patna
3. The Magadh University, Bodh Gaya through its Vice Chancellor
4. The Registrar, Magadh University, Bodh Gaya

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar

For the State : Mr. Durgesh Nandan, AAG 14
Mr Umesh Kumar, AC to AAG 14

For the University : Mr K.N.Singh, Sr. Advocate
Mr Vipin Kumar
Mr Nirmal Kumar Sinha

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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: 24-03-2017

Heard counsel for the appellant, learned senior counsel
for the University as well as the State.

Learned Single Judge has taken note of the simple fact
that the appointment has been made by an authority not competent or
vested with power to do so. This can be culled out from reading of
Section 10 (6) of the Bihar State Universities Act, 1976.

The submission of the appellant that there was
advertisement and due process followed was an eyewash and a sham.



No process is going to justify a decision by an authority, who was not vested with the power to take a decision. Dismissal of the writ application, therefore, is in order. No interference is warranted.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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AFR/NAFR	NAFR
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