

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1879 of 2015

In

Civil Writ Jurisdiction Case No.11061 of 2011

Binodanand Jha Son of Late Dinanath Jha Resident of Village + P.O. Manaagrauni, P.S. Rajnagar, District - Madhubani, Retired Lecturer, Department of Sociology, R.M. College, Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Development, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Human Resources Development, Govt. of Bihar, Patna.
3. The B.N. Mandal University, Madhepura through its Registrar.
4. The Vice Chancellor, B.N. Mandal University, Madhepura.
5. The Registrar, B.N. Mandal University, Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Mishra
For the Respondent/s : Mr. Rajesh Singh

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

2 07-09-2017 The order impugned is dated 11.08.2015 passed by the learned single Judge in C.W.J.C. No. 11061 of 2011, who dismissed the writ application of the appellant on the ground that there cannot be any direction for consideration for the purposes of grant of pension to the appellant by counting the period he had spent under the private managing committee of an affiliated college.

The categorical finding is that the appellant did not have relevant qualification to be appointed as a lecturer in the very



first place. He acquired that qualification only with effect from 16.01.1997 and came to be appointed on a substantive capacity on the said post.

An ineligible candidate, therefore, that too having been appointed without following due process and procedure of law, cannot claim benefit of past service. The service will have to be counted from 16.01.1997 when he came to be substantively appointed and his service recognized as such.

The learned single Judge has committed no error. Appeal is dismissed being devoid of merit.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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