

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1024 of 2014

IN

Civil Writ Jurisdiction Case No. 3718 of 2014

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Shivjee Mahto S/o Late Parishan Mahto Resident of Village and P.O.- Sasaula,
P.S.- Majorganj, District- Sitamarhi

.... Appellant/s

Versus

1. The Kameshwar Singh Darbhanga Sanskrit University, Darbhanga, through Its Vice Chancellor
2. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
3. The Mithila Sanskrit College, Sasaula Sabha, P.O. Sasaula, District- Sitamarhi, through its Secretary.
4. The Principal, Mithila Sanskrit College, Sasaula, Sabha, P.O. Sasaula, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bipin Bihari Singh, Advocate
Mr. Shyama Kant Singh, Advocate
For the Respondent/s : Mr.

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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: 06-04-2017

Heard counsel for the appellant.

The Learned Single Judge has dismissed the writ application by order, dated 18.04.2014, refusing to give any direction for payment of salary to the appellant, because the Court was not satisfied with regard to the bona-fide of appointment at the very first place.

The liability of the university and the State will come in, provided proper procedure has been followed and the appointment



has been made by the competent authority. Such appointments cannot create liability either upon the university or the State, since the engagement or appointment, if at all, has been made by the adhoc managing committee, the liability to pay salary or remuneration, therefore, will be of the adhoc managing committee or the persons, who have taken work from him. The burden cannot be shifted upon the State Government.

No interference is warranted with the order of the Learned Single Judge. Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
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