

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.599 of 2016
IN
Civil Writ Jurisdiction Case No. 1973 of 2013**

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1. Animesh Sil @ Animes Sil S/O Ramesh Chandra Sil Resident of N.C.-1/25, Rau,
Pusa, P.O.+P.S.- Pusa, District-Samastipur.

.... Appellant/s

Versus

1. The State of Bihar through Secretary, HRD, Government of Bihar, Patna.
2. The Vice Chancellor, Rajendra Agriculture University, Bihar, Pusa, Samastipur.
3. The Director, Administration, Rajendra Agriculture University, Bihar, Pusa.
4. The Comptroller, Rajendra Agriculture University, Bihar, Pusa, Samastipur.
.... Respondent/s

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Appearance :

For the Appellant/s : Mr Nikhil Kumar Agrawal
Mr. Sanjay Kumar Giri
For the State : Mr. AC to AAG 10
For the University : Mr Arvind Ujjwal

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

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 21-07-2017

I.A. No.2718 of 2016 is for condonation of delay of 46 days
in preferring the appeal. There is sufficiency of reasons explained in
the condonation application. The delay is condoned. I.A. is allowed.
The matter is thereafter taken up on merits.

Heard learned counsel for the appellant, counsel for the State
and counsel for the Rajendra Agriculture University.

The learned Single Judge has committed no error in law or
fact by dismissing the writ application vide order dated 10.12.2015,
which is subject matter of challenge in the present Letters Patent



Appeal. Since the appointment of the appellant on the post of Assistant Professor –cum- Junior Scientist has been held to be bad in law both by the learned Single Judge as well as by the Division Bench, there is no occasion for giving any direction. It will have the effect of overriding the adjudications by a coordinate Bench with regard to status of the appellant. The salary can only flow in favour of the petitioner provided his appointment was legal and valid in the very first place, which has not been such, which has been held so even by the Division Bench.

The appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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