

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1058 of 2014
IN
Civil Writ Jurisdiction Case No. 20900 of 2012**

=====

1. Ashok Kumar S/o Late Ram Krit Ram History Department K.L.S. College,
Nawada, Permanent Address Near Bharat Seva Saran Sangh, Swarajpuri Road,
Gaya

.... Appellant/s

Versus

1. Magadh University through Vice Chancellor, Magadh University, Bodh Gaya,
Gaya.
2. Registrar, Magadh University, Bodh Gaya, Gaya.
3. Principal, K.L.S. College, Nawada.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Jitendra Prasad Singh

For the Respondent/s : Mr. Girijish Kumar
Mr Vipin Kumar

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 08-04-2017

Heard counsel for the appellant and counsel for the
University.

Any claim for salary and creating a liability on the State
exchequer since no University has sources of finance available for
meeting obligation can only be done in accordance with law.

The appellant, who was the petitioner before the learned
Single Judge, filed the writ application for a direction for payment of
salary. The learned Single Judge vide order dated 30.10.2013 clearly
held that if the appointment had not been done by following the



procedure laid down under Section 57 of the Bihar State Universities Act, no contingency can create an obligation and vest power in the Principal of the College to appoint a Lecturer.

The writ was rightly dismissed because no right in favour of the appellant accrues to demand salary, who has not been appointed by the competent authority.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

sk

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.4.2017
Transmission Date	NA

