

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4209 of 2015

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Dr. Brahmadeo Prasad Karyee, Son of Late Raudi Karyee, Resident of
Village- Shahpur Undi, P.O.- Shahpur Undi, P.S.- Patori, District-
Samastipur

.... Petitioner

Versus

1. The Chancellor of Universities, Raj Bhawan, Patna
2. The L.N. Mithila University, Darbhanga, through its Registrar
3. Vice Chancellor L.N. Mithila University, Darbhanga
4. Registrar, L.N. Mithila University, Darbhanga

.... Respondents

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with

Civil Writ Jurisdiction Case No.13341 of 2014

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Dr. Brahmadeo Prasad Karyee, Son of Late Raudi Karyee, Resident of
Village- Shahpur Undi, P.O.- Shahpur Undi, P.S.- Patori, District-
Samastipur

.... Petitioner

Versus

1. The L.N. Mithila University, Darbhanga, through its Registrar
2. Vice Chancellor, L.N. Mithila University, Darbhanga
3. Registrar, L.N. Mithila University, Darbhanga
4. Dr. Ram Chandra Thakur, University Professor, University Department
of Hindi, L.N. Mithila University, Darbhanga

.... Respondent

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Appearance :

(In CWJC No.4209 of 2015)

For the Petitioner/s : Mr. Abhinav Srivastava

For the Respondent/s : Mr. Chandra Mohan Singh

(In CWJC No.13341 of 2014)

For the Petitioner/s : Mr. Abhinav Srivastava

For the Respondent/s : Mr. Chandra Mohan Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 05-09-2017

Heard Mr. Abhinav Srivastava, learned counsel for

the petitioner, Mr. Ajay Bihari Sinha, learned counsel for L.N.M.

University and Mr. Sameer Ranjan learned counsel for respondent



no.4.

CWJC No. 13341 of 2014 has been filed for quashing the notification dated 22.07.2014, as contained in Annexure-9, issued under the signature of respondent no.3, the Registrar, L.N. Mithila University, Darbhanga (hereinafter referred to as 'the University') whereby respondent no.4, Dr. Ram Chandra Thakur, junior to the petitioner, was appointed rotational Head of the University, Department of Hindi in terms of provisions under Section 26 (6)(iii) of the Bihar State Universities Act, 1976 (hereinafter referred to as 'the Act') and under the provisions of the statute. Further prayer has been made for a direction to the respondent authorities to take steps to appoint the petitioner as rotational Head of Hindi Department of the University in terms of aforementioned provisions of the Act.

CWJC No. 4209 of 2015 has been filed for quashing the notification dated 28.07.2014, as contained in Annexure-3, issued under the signature of respondent no.4, Registrar, of the University, whereby the petitioner was transferred from C.M. College, Darbhanga to the Post Graduate Department of Hindi of the University.

It is very fairly submitted by learned counsel for the petitioner that since the petitioner has retired on 30.06.2017,



whereas respondent no.4 has completed his rotational headship on 31.07.2017, hence, virtually both the writ applications have become infructuous. However, had the petitioner been made rotational head considering him as senior to respondent no.4, he would have been benefited in monetary terms and as such the petitioner has suffered financial loss.

It is expected from the Vice Chancellor of the University to consider the claim of the petitioner and if he comes to a conclusion that respondent no.4 was made head of department contrary to the provisions under Section 26(6)(iii) of the Act, then the University will consider to compensate the financial loss to the petitioner. It is expected to complete this exercise within a period of three months from the date of receipt/production of the copy of this order.

Accordingly, the present application is disposed of as infructuous with the above direction.

(Dinesh Kumar Singh, J)

Amrendra/-

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