

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1542 of 2015

IN

Civil Writ Jurisdiction Case No. 18084 of 2010

=====

Dr. Yogendra Nath Das, S/o Late Bal Govind Das, Ex- Senior Lecturer in the Department of Economics, Jamalpur College, Jamalpur, P.S. Jamalpur, District-Munger, Presently residing at Kunj Bhawan, Golaghat, P.S.- Tatarpur, District-Bhagalpur. Appellant/s

Versus

1. The Chancellor of The Universities of Bihar, Raj Bhawan, Patna.
 2. Tilka Manjhi Bhagalpur University, Bhagalpur through its Registrar.
 3. The Vice Chancellor, Tilka Manjhi, Bhagalpur University, Bhagalpur.
 4. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
 5. Co-ordinator, College Development Concil, Tilka Manjhi, Bhagalpur University, Bhagalpur.
 6. Arun Kumar Singh, S/o Sri Yogendra Prasad Singh, Controller of Examination, Tilka Manjhi Bhagalpur University, Bhagalpur. Respondent/s
- =====

Appearance :

For the Appellant/s : Mr. Dinesh

For the Respondent/s : Mr. Rajendra kumar Giri

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 12-01-2017

Heard learned counsels for the parties.

Delay of 175 days is condoned.

I. A. No. 6949 of 2015 stands allowed.

The matter is thereafter taken up on merits. The appellant, who happened to be the petitioner before the Learned Single Judge in C. W. J. C. No. 18084 of 2010, filed the writ application for a direction upon the Tilka Manjhi Bhagalpur University, Bhagalpur, to appoint him on the post of Controller of Examination w.e.f. 29.09.2008 and pay him all the consequential monetary benefits, since he was the sole eligible candidate in terms



of the Advertisement No. 6 of 2007.

Bereft of other details and submissions, which had already been answered by the Learned Single Judge, the core issue is that the present appellant was way past the age of 62 years for the post of Controller of Examination and, therefore, there was no occasion for him to be appointed on that post. Not only that, the petitioner superannuated at the age of 65 years as a Teacher in the university and the challenge to the selection of another candidate is mere effort to dislodge somebody, who has already completed his tenure after the said selection and that selection was made after due consideration and participation of the petitioner in the process.

The rational and reasoning given by the Learned Single Judge also seems to be correct that the whole exercise now remains academic and nothing more is required to be done.

The order does not suffer from any infirmity. No interference is warranted with the said order.

The appeal is dismissed, accordingly.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	13.01.2017
Transmission Date	

