

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1551 of 2010

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1. The Vice Chancellor , Kameshwar Singh Darbhanga Sanskrit University, Darbhanga
 2. The Registrar, Kameshwar Singh Darbhanga Sanskrit University Darbhanga
 3. The Controller Of Examination Kameshwar Singh Darbhanga Sanskrit University, Darbhanga

... .. Appellant/S

Versus

1. Dr.Hari Narayan Thakur S/O Vidya Nand Thakur Darbhanga Town, P.S.L.N.M.U.Darbhang, Distt-Darbhang
2. The Governing Body Of Vidya Nand Mithila Sanskrit Mahavidyalaya, Sankat Machan Dham P.S.L.N.M.University, Darbhanga, Distt-Darbhang Through Its Secretary, Shri Ram Sarovar Pandey , At Present Residing At Moh G.M.Ganj, Darbhanga Town, P.S.Laheriasarai, Distt-Darbhang
3. The Chancellor Kameshwar Singh Darbhanga Sanskrit University, Having His Office At Raj Bhawan, Patna
4. Dr.Parsuram Upadhyay Former Vice-Chancellor Of K.S.D.S.University Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Tej Bahadur Singh, Sr. Advocate Mr. Awadhesh Prasad Sinha, Advocate
For Respondent No.1	:	Mr. Chittaranjan Sinha, Sr. Advocate Mrs. Namrata Mishra, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY)

Date : 19-09-2017

This Letters Patent Appeal under clause 10 of the Letters Patent has been filed by the appellant, Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University against the judgment dated 15th July, 2010 in CWJC No. 7824 of 1996 whereby the writ petition was allowed and the writ-petitioner was



declared as deemed to be a regularly appointed Principal with effect from 1.7.1976 as was originally approved by the University and all academic qualifications that the writ-petitioner has acquired from Kameshwar Singh Darbhanga Sanskrit University over the years would be valid for all purposes.

Mr. Tej Bahadur Singh, learned Senior Advocate appearing on behalf of the appellants made many-fold submissions before us to find fault with the judgment of the learned Writ Court. He submitted that the writ-petitioner was not entitled to any consideration in equity as he has obtained the degree Navin Shastri equivalent to graduation from the University as well as B.Sc. from L.N.Mithila University almost simultaneously and done Navin Acharya from the University. On the strength of the aforesaid fact he submitted that since the appellant was pursuing the B.Sc. course and after obtaining non-sanskrit qualification joined Sanskrit curriculum and as such he is not entitled to be selected and appointed as Principal and he was wrongly granted approval by the Vice Chancellor on 9.11.1977 with effect from 1.7.1976.

Mr. Chittranjan Sinha, learned Senior counsel appearing on behalf of the respondent-writ petitioner has drawn our attention to annexure-C dated 6.2.2010, i.e. the decision of the University communicated through the Registrar, Kameshwar Singh



Darbhanga Sanskrit University vide letter no. 1474 thereby the University granted approval of the continuity of service of the petitioner as Principal of affiliated Bidyanand Mithila Sanskrit Mahavidyalaya, Mochan Dham, Darbhanga with effect from 1.7.1976 to 17.5.2009 and as Principal of constituent Umesh Sanskrit Mahavidyala, Tarauni, Darbhanga with effect from 18.5.2009 and contended that the letter no. 1474 dated 6.2.2010 was a decision of the University subsequent to the judgment of the writ court dated 15.7.2010 and in that view of the matter, the present Letters Patent Appeal is uncalled for and incompetent.

We have examined letter No. 1474 dated 6-02-2010 and after going through the contents of aforesaid letter it appears that the University has taken a conscious decision to regularize the services after the judgment of the Writ Court and as such there is no justification to maintain the present appeal when the University itself has accorded approval to the services of the Writ-petitioner with effect from 1-7- 1976 as Principal of Vidyanand Mithila Sanskrit Vidyalya, Shankarpur Dharbhanga upto 17-05-2009 and thereafter as Principal of a constituent college Umesh Sanskrit Mahavidyala Tarauni Dharbhanga.

Even otherwise we do not find any error in the well considered judgment of the Writ Court dated 15-07-2010 wherein



the Writ Court after considering various aspects of the matter has allowed the writ application and issued direction which has already been worked out vide letter No. 1474 dated 06-02-2010.

In view of the aforesaid, we do not find any merit in the present Letters Patent Appeal which is, accordingly, dismissed.

(Rajendra Menon, CJ)

spandey/-

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.09.2017
Transmission Date	

