

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1317 of 2013

IN

Civil Writ Jurisdiction Case No. 17526 of 2012

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Surendra Prasad Singh Son Of Late Saryug Singh Resident Of Village - Rahatpur,
P.S. Balia, District - Begusarai, The Retired Assistant Registrar Of Baba Saheb
Bhim Rao Ambedkar, Bihar University, Muzaffarpur

.... Appellant

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department,
Government Of Bihar, Patna
3. The Secretary, Department Of Higher Education, Government Of Bihar, Patna
4. The Director, Higher Education, Government Of Bihar, Patna
5. The Vice Chancellor, Baba Saheb Bhim Rao Ambedkar, Bihar University,
Muzaffarpur
6. The Registrar, Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur
7. The Finance Officer, Baba Saheb Bhim Rao Ambedkar, Bihar University,
Muzaffarpur

.... Respondents

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Appearance :

For the Appellant : Mr. Vijay Kumar Singh, Advocate
Mr. Pankaj Kumar Singh, Advocate
For the Respondent State: Mr. Mrigendra Kumar, AC to GA-7
For the Respondent University: Mr. Dhruv Mukherjee, Sr. Advocate
Mr. Md. Nazir Ansari, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 15-02-2017

Delay of 43 days is condoned. I.A. No. 7564 of 2013 is
allowed.

Appeal is against the order passed by the learned single
Judge in the writ application. The order is dated 09.07.2013. Claim
of the petitioner for payment of salary for the post of Assistant
Registrar as purportedly he was promoted to the said post on



08.04.2002 and retired on 31.01.2010.

The learned single Judge while considering such a claim examined the legal position as well as the statutory provisions with regard to grant of such promotion. In absence of any clear evidence and material that due process of law and procedure was followed, the Court directed the University authorities to look into the matter and take a call into it. If the said appointment/promotion was found to be in order by the competent authority then the necessary benefits was supposed to accrue. Instead of abiding by the open ended order passed in favour of the present appellant, he has chosen to file the appeal.

The appeal is misplaced. The decision of the University will govern the issue. Nothing more is required to be said over and above what the learned single Judge has said.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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