

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2141 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 11 of 2013**

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Bechan Mandal, Son of Late Basant Mandal resident of village - Rahua, P.O.
Rahua Sangram, Police Station - Bheja in the district of Madhubani

.... Appellant/s

Versus

1. The Kameshwar Singh Darbhanga Sanskrit University through its Registrar, Kameshwar Nagar, Darbhanga
2. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga
3. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga
4. The Principal, Adinath Madhusudan Parasmani Sanskrit Mahavidyalaya, Rahua Sangram, Police Station Bheja, Madhubani
5. The State of Bihar through Principal Secretary, Department of Education, Government of Bihar, Patna

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Sunil Kumar, Advocate.

For the Respondent/s : Mr. Sushil Kumar Singh, AC to AAG-10.

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH**

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 16-02-2017

Re.: I.A. No. 9322 of 2015

This application is for condonation of delay of 179 days in filing the Letters Patent Appeal.

For the reasons mentioned in the interlocutory application, we are satisfied that the appellant has shown sufficient cause to seek condonation of delay in filing the present Letters Patent Appeal.



Consequently, Interlocutory Application is allowed and delay in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 2141 of 2015

The present Letters Patent Appeal is directed against an order passed by the learned Single Bench on 30th of January, 2015 whereby, the claim of the appellant for absorption as ward-servant remained unsuccessful.

2. The learned Single Bench has, inter alia, recorded the finding that as recent as on 21.05.2014, the Vice Chancellor of the University after considering the claim of the appellant issued a letter that there is no post in existence of ward-servant as there is no sanctioned post available under which he could be absorbed.

3. Learned counsel for the appellant relies upon a communication dated 02.12.1998 (Annexure-7) to contend that two posts of ward-servant have, in fact, been sanctioned. However, the reliance upon the said letter is untenable. In Para-16 of the writ application, the appellant has referred to the said letter and asserted that the letter (Annexure-7) is the details regarding sanctioned posts in all the constituent and affiliated colleges with the University. However, in Annexure-7, there is no reference to the college Adinath Madhusudan Parasmani Sanskrit Mahavidyalaya, Rahua Sangram, District- Madhubani in which the appellant was purportedly



appointed. The posts mentioned in clause '4' of the letter are not the posts in the constituent colleges, as such colleges find mention in clause '9' that is Radha Umakant Sanskrit Mahavidyalaya; Umesh Sanskrit Mahavidyalaya; Jagdamba Sanskrit Mahavidyalaya and Dharm Samaj Sanskrit Mahavidyalaya. There is no reference to any post sanctioned in the College in which the appellant is said to be employed.

4. In view of the said fact, we find that since the post of ward-servant was never sanctioned in the College in question, the appellant cannot claim absorption in absence of any available and sanctioned post.

5. Accordingly, the present Letters Patent Appeal is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Mishra

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	23.02.2017
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