

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1436 of 2015
IN
Civil Writ Jurisdiction Case No. 5536 of 2015**

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(Prof.) Md. Shamsuz Zoha S/o Late Md. Sayeed Resident of Chaman
Manzil,E/22, New Azimabad Colony, Sandalpur, Patna-800006.

.... Appellant

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Bihar, Patna.
2. The Chancellor of Universities of Bihar, Raj Bhawan, Patna.
3. Patna University, Patna through its Registrar.
4. Vice Chancellor, Patna University, Patna.
5. Registrar, Patna University, Patna.
6. Deputy Registrar, Patna University, Patna.

.... Respondents

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Appearance :

For the Appellant : Mr. Raghbir Ahsan, Advocate
Mr. Wasi Akhtar, Advocate
For the Chancellor : Mr. Rajendra Kumar Giri, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-01-2018

Petitioner was substantively holding the post of a teacher in the University and while so working, was selected and appointed as the Vice Chancellor of the University. However, the Chancellor found that the appointment of the petitioner as a Vice Chancellor was not correct and directed for removal of the petitioner from the office of the Vice Chancellor and under the orders of Hon'ble the Supreme Court the same has been upheld and there is no ground made out for interference with the order passed removing the



petitioner from the post of Vice Chancellor.

However, from the records it is seen that after the petitioner was removed from the post of Vice Chancellor, he reported for joining as a teacher in the University on 21.3.2013. This was rejected on 11.6.2013.

In our considered view, once the petitioner, after being relieved from the office of the Vice Chancellor, reported for joining on 21.3.2013 as a teacher, this should have been permitted and the petitioner paid due salary from the said date. To that effect, the relief has to be granted to the appellant.

Accordingly, we allow this appeal, in part, and direct the respondents and the University to pay due salary to the petitioner/appellant from the date he reported for joining, i.e. 21.3.2013.

With the aforesaid, the appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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