

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2073 of 2016

In

Civil Writ Jurisdiction Case No.7139 of 2015

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Prem Sagar Thakur Son of Late Ram Swaroop Thakur, Resident of Village-
Fatehpur Wala, Police Station- Musrigharai, District- Samstipur.

... .. Appellant/s

Versus

1. Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar Darbhanga.
2. The Registrar, Lalit Narayan Mithila University Darbhanga.
3. The Principal Dr. L.K.V.D. college Sarsauna Tejpur, Samastipur.

... .. Respondent/s

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with

Letters Patent Appeal No. 2075 of 2016

In

Civil Writ Jurisdiction Case No.7583 of 2015

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Shiv Chandra Prasad Son of Late Ayodhya Prasad Sah. Resident of Village -
Harshankarpur, Baghauni, Police Station - Tejpur, District - Samastipur.

... .. Appellant/s

Versus

1. Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar Darbhanga.
2. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
3. The Principal Dr. L.K.V.D. College, Sarsauna Tejpur, Samastipur.

... .. Respondent/s

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Appearance :

(In Letters Patent Appeal No. 2073 of 2016)

For the Appellant/s : Mr. Siya Ram Shahi, Advocate

For the Respondent/s : Mr. Chandra Mohan Singh, Advocate

(In Letters Patent Appeal No. 2075 of 2016)

For the Appellant/s : Ms. Shally Kumari, Advocate

For the Respondent/s : Mr. Chandra Mohan Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-03-2018



Seeking exception to an order dated 1.9.2016 passed by the learned Writ Court in C.W.J.C. No.7139 of 2015 and in C.W.J.C. No.7583 of 2015 respectively, L.P.A. Nos.2073 and 2075 of 2016 have been filed under Clause 10 of the Letters Patent.

Seeking condonation of delay of one day and 22 days in filing L.P.A. No. 2073 of 2016 and 2075 of 2016, I.A. Nos.2685 of 2016 and 1227 of 2017 have been filed. The delay in filing of the appeals is condoned and the above interlocutory applications stand allowed and disposed of.

In the writ petition, the petitioner challenged an order, Annexure 1 dated 25.11.2007 by which he was retrenched after denying him the benefit of regularization on considering his case in accordance to the law laid down by the Hon'ble Supreme Court in the case of Secretary to the State of Karnataka Vs. Umadevi & Ors., (2006) 4 SCC 1. In the order, Annexure 1, it was indicated that his claim for regularization cannot be considered as his initial appointment was contrary to the Recruitment Rule. Challenging this order dated 25.11.2007, the writ petition in question was filed after more than a decade on 5.5.2015 and finding there to be inordinate unexplained delay in approaching the Court, the learned Writ Court dismissed the petition.



During the course of hearing, learned counsel appearing for the petitioner invited our attention to certain orders passed in C.W.J.C. No.9809 of 2009 (Ashok Kumar Arvind Vs. The L.N.M.University and others) to say that the recommendation of the Committee, based on which the impugned action was taken, itself having been quashed, in the said writ petition the petitioner was entitled for the benefit.

We are not impressed with the aforesaid contention of the petitioner. The indulgence made in C.W.J.C. No.9809 of 1998 was at the instance of the litigants who were vigilant and had approached this Court in time. Persons like the petitioners, who do not ventilate their grievance within time and who sit over the matter and wake up after a decade to claim the benefit at par with the persons who are vigilant, cannot be granted any indulgence because due to their hibernation rights have accrued to various other persons and interference into the matter after such a long period of time would be prejudicial to the interest of persons who have been granted the benefit and the entire system which stands settled would be unsettled.

In the facts and circumstances of the case and the indolence of the petitioners, we do not find any error in the order



passed warranting re-consideration only because in the cases of some other vigilant litigants the relief has been granted.

Accordingly, finding no case made out for indulgence, these appeals stand dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

AFR/NAFR	NAFR
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