

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.368 of 2018

In
Civil Writ Jurisdiction Case No.19337 of 2016

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Prabhunath Sah, Son of Laxmi Prasad, Resident of Village- Bareja, Police Station- Daudpur, District- Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. Jai Prakash University, Chapra, through its Registrar, District- Chapra.
3. The Vice-Chancellor, Jai Prakash University, Chapra, District- Chapra.
4. The Registrar, Jai Prakash University, Chapra, District- Chapra.
5. B.R.A. Bihar University, Muzaffarpur through its Registrar, District- Muzaffarpur.
6. The Registrar, B.R.A. Bihar University, Muzaffarpur.
7. The Vice-Chancellor, B.R.A. Bihar University, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Appellant : Mr. Shubh Narain Singh, Advocate
For Respondent-University: Mr. Nagendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 12-12-2018 Heard Shri Shubh Narain Singh, learned counsel for the appellant and Shri Nagendra Kumar Singh, learned counsel for the respondent-University. Learned Standing Counsel is absent for Respondent No.1.

The appeal questions the correctness of the impugned judgment of the learned single Judge dated 17.02.2018 passed in CWJC No.19337 of 2016 on the ground that the appellant has worked for long and,



therefore, he should be extended the benefits to which he is entitled keeping in view his past services.

The learned single Judge after having traversed the facts, which are not disputed, came to the conclusion that the appellant came to be appointed on the post of Storekeeper, that was never sanctioned. Even if the said post was contained in the staffing pattern and the cadre structure of the rules framed, yet it had to be formally sanctioned to enable the appellant to claim emoluments, including salary.

The question as to whether the appellant is entitled to such claim as was made in the writ petition may now not required to be detained any further for consideration inasmuch as the appellant has already been adjusted against the post of Library Clerk. However, such adjustment will not confer any such right which is sought to be made the basis for the claim in the present proceedings. If the State Government has not chosen to grant any approval to the said post against which the appellant is claiming the appointment, then in that event it will not be possible for the High Court to issue a mandamus. The learned single Judge is, therefore,



justified in declining to grant relief.

The appeal is, accordingly, dismissed.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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