

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6280 of 2011

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DR.RENU MISHRA W/O Sri Shri Prakash Ojha R/O Mohalla Katira, P.S.-
Ara Nawada, Distt.-Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary (Higher Education) Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna
2. The Veer Kuar Singh University through Its Registrar Having Office At Ara, Bhojpur
3. The Vice Chancellor, Veer Kunwar Singh University, Ara At Bhojpur
4. The Principal, M.M. Mahila College, Ara, Distt.-Bhojpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Awadh Bihari Ojha, Sr. Advocate Mr. Nitesh Kumar, Advocate
For the V.K.S.U., Ara	:	Mr. A.N. Pandey
For the State	:	Mr. Hari Shankar Rai

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 02-05-2019

The present writ petition has been filed for directing the respondents to pay the salary of the petitioner with effect from 3.1.1989 till she has worked as an adhoc Lecturer.

2. The brief facts of the case, according to the petitioner, is that she was appointed as an adhoc Lecturer in the Department of Political Science on 3.1.1989 in the Mahanth Mahadevanand Mahila Mahavidyalaya, Ara (under the Veer Kunwar Singh University, Ara). It is the contention of the petitioner that she continued to work with effect from 3.1.1989 as an adhoc Lecturer, but she has never been paid salary till date. It is the



further case of the petitioner that though, Two Men Syndicate Sub Committee was constituted by the University, the name of the petitioner was not included in the list of screened adhoc Teacher, as working on or before 10.2.1989, on account of negligence of the Committee.

3. Per contra, the learned counsel for the University, referring to the counter affidavit filed by the University, has stated that the petitioner has never been appointed as an adhoc Teacher / Lecturer by the M.M.Mahila College, Ara either on 3.1.1989 or till date and not even a single penny has been paid either as salary or convenience allowance. The University has also filed another counter affidavit dated 23.12.2016 wherein it has been stated that neither any appointment letter has ever been issued to the petitioner herein nor the certificates sought to be relied upon for the purposes of showing that the petitioner had worked in the aforesaid College, has been issued after proper verification and the same have merely been issued on sympathetic considerations inasmuch as the records neither support the claim of the petitioner nor the certificates relied upon by the petitioner.

4. Before advertng to the case in hand, it would be pertinent to mention here that this Court by an order dated 6.3.2019,



passed in the present case, which was being heard analogous with another writ petition bearing C.W.J.C. No. 13493 of 2013, had issued directions to the petitioner in the following terms:-

“ The petitioners of both the aforesaid cases are directed to bring on record their appointment letter, as also the proof of continuance in service from the date of appointment till date.”

5. The petitioner herein has filed a supplementary affidavit, however, no letter of appointment has been annexed therein, which creates a doubt about the veracity of the claim of the petitioner regarding her appointment on 3.1.1989. A lame excuse has been taken to the effect that upon the Principal of the Respondent-College having asked the petitioner to submit her original appointment letter in the year 1995-96 for the purposes of verification of adhoc Lecturers working in the Respondent-College, she had submitted the same to the Principal of the aforesaid College, who has lost the same. In fact, the petitioner has not even bothered to bring on record a photocopy of the said appointment letter, said to have been lost, may be because there is none, as averred by the respondent-University in its counter affidavit filed before this Court in the present case. The petitioner has also failed to bring any proof, either regarding payment of salary to her or she having worked continuously



from 3.1.1989 till date.

6. I have heard the learned counsel for the parties and gone through the records of the case and find that the petitioner has miserably failed to bring any evidence on record either with regard to issuance of an appointment letter or with regard to her continuance in service with effect from 3.1.1989 till date or with regard to any payment having ever been made to her. Thus, this Court finds that the present writ petition is bereft of any merit and is an abuse of the process of the Court, which has besieged this Court unnecessarily since the year 2011.

7. For the reasons mentioned hereinabove, the writ petition stands dismissed.

(Mohit Kumar Shah, J)

ajay gupta/-

AFR/NAFR	AFR
Uploading Date	23.5.2019
Transmission Date	NA

