

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1974 of 2011

In

Civil Writ Jurisdiction Case No.1274 of 2009

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ASHWINI KUMAR SINGH @ Sri Ashwini Kr. Singh, S/o Sri Bishnudeo Narayan Singh, R/o Mohalla- Chandra Niwas Kayshtha Tola, Saharsa, P.O. P.S. +Distt.- Saharsa, At Present Posted As Lecturer in Chemistry in S.N.S.R.K.S. College, Saharsa, P.O.+ P.S.+ District- Saharsa

... .. Appellant/s

Versus

1. Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura Through The Registrar, B.N. Mandal University, Madhepura
2. The Vice Chancellor, B.N. Mandal University, Madhepura
3. The Finance Officer, B.N. Mandal University, Madhepura
4. The Principal, S.N.S.R.K.S. College Saharsa, Post - Saharsa, P.S.- Saharsa Town, District- Saharsa
5. Sri Ramesh Prasad Singh, S/O Name Not Known To The Petitioner At Present Posted As Lecturer In Chemistry In S.N.S.R.K.S. College, Saharsa, P.O. - Saharsa, P.S.- Saharsa Town, Distt.- Saharsa
6. Sri Sanjay Kumar Singh S/O Name Not Known To The Petitioner At Present Posted As Lecturer In Chemistry In S.N.S.R.K.S. College, Saharsa, P.O. - Saharsa, P.S.- Saharsa Town, Distt.- Saharsa
7. Sri Anant Kumar Singh S/O Name Not Known To The Petitioner At Present Posted As Lecturer In Chemistry In S.N.S.R.K.S. College, Saharsa, P.O.- Saharsa, P.S.- Saharsa Town, Distt.- Saharsa
8. Dr. Krishna Mohan Singh S/O Late Trilok Nath Singh R/O Mohalla- Laxmi Nath Nagar, Refugee Colony, Ward No.-5, Bangaon Road, Saharsa, P.S.- Saharsa Town, Distt.- Saharsa, At Present Posted As Lecturer Chemistry In The Department Of Chemistry In Sarva Narayan Singh, Ram Kumar Singh College, Saharsa, P.S.- Saharsa, Distt.- Saharsa

... .. Respondent/s

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with

Letters Patent Appeal No. 1976 of 2011

In

Civil Writ Jurisdiction Case No.1274 of 2009

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1. Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura Through Its Registrar
 2. The Vice Chancellor Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura
 3. The Finance Officer, B.N. Mandal University, Madhepura



... .. Appellant/s

Versus

1. Dr.Krishna Mohan Singh, S/O Late Trilok Nath Singh, R/O Mohalla-Lakshmi Nath Nagar, Refugee Colony, Ward No. 5, Bangaon Road, Saharsa, P.S.- Sharsa Town, District- Saharsa, At Present Posted As Lecturer Chemistry In S.N.S.R.K.S. College, Saharsa, P.S.- Saharsa, District - Saharsa
2. The Principal S.N.S.R.K.S. College, Saharsa, District- Saharsa
3. Sri Ramesh Pd. Singh At Present Posted As Lecturer In Chemistry Department In S.N.S.R.K.S. College, Saharsa, P.O.- Saharsa, District- Saharsa
4. Sri Ashwini Kumar Singh S/O Name Not Known Posted As Lecturer In The Department Of Chemistry In S.N.J., R.K.S. College, Saharsa, P.O.- Saharsa, District- Saharsa
5. Sri Sanjay Kumar Singh S/O Name Not Known Posted As Lecturer In The Department Of Chemistry In S.N.J., R.K.S. College, Saharsa, P.O.- Saharsa, District- Saharsa
6. Sri Anant Kumar Singh S/O Name Not Known Posted As Lecturer In The Department Of Chemistry In S.N.J., R.K.S. College, Saharsa, P.O.- Saharsa, District- Saharsa

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 1974 of 2011)

For the Appellant/s : Mr. D.K. Singh, Sr. Advocate
Mr. Lalan Kumar Singh, Advocate

For the Respondent/s : Mr.Ritesh Kumar, Advocate

(In Letters Patent Appeal No. 1976 of 2011)

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

For the Respondent/s : Mr. D. K. Sinha, Sr. Advocate
Mr. C.M.Chaurasia, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-11-2020

The present appeals have been filed against the judgment dated 27.07.2011 passed by the learned Single Judge of this Court in C.W.J.C. No. 1274 of 2009 titled as Dr. Krishna Mohan Singh



Vs. Bhupendra Narayan Mandal University, whereunder the writ petition stands allowed.

All the learned counsel appearing for the respective parties i.e. original writ-petitioner namely Dr. Krishna Mohan Singh, private respondent in the writ petition namely Ramesh Prasad Singh & Ors. as also the respondent University namely B.N. Mandal University are in agreement that the findings returned by the Commission appointed by Hon'ble the Supreme Court, as noticed and affirmed subsequently by the very same Court cannot be altered, more so either by the learned Single Judge while exercising its writ jurisdiction or by the Division Bench of this Court in the exercise of its jurisdiction under the provisions of the Letters Patent Appeal.

Learned counsels are of the considered view that these appeals be disposed of directing the University to consider and decide the matter in the light of the decision rendered by Hon'ble the Apex Court in Special Leave to Appeal (Civil) No. 25310-25311 of 1995 titled as Krishna Bala Sinha Vs. Manju Verma & Ors. as also Civil Appeal No. 2794 of 2017 titled as State of Bihar Vs. Ram Parvesh Rai and others, passed in other connected matters, including Annexure 20 series annexed along with the writ petition.



As such, both the appeals stand disposed of in the aforesaid terms, modifying the impugned judgment dated 27.07.2011 passed in C.W.J.C. No. 1274 of 2009 titled as Dr. Krishna Mohan Singh Vs. Bhupendra Narayan Mandal University to the aforesaid extent. Anything observed or held inconsistent to the orders passed by the Hon’ble Supreme Court shall be deemed to have been rendered omitted.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

