

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No. 1177 of 2018

In

Civil Writ Jurisdiction Case No. 14643 of 2008

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Md. Moizuddin Ahmad S/o Late A. Raza, Resident of Mohalla-Shahgunj,
Mahendru, P.S.-Sultanganj, Distt.-Patna.

... .. Appellant

Versus

1. The Magadh University through the Registrar, Bodh Gaya, Distt. - Gaya.
2. The Vice Chancellor, Registrar, Magadh University, Bodh Gaya, Distt.-Gaya.
3. The Registrar, Magadh University, Bodh Gaya, Distt.-Gaya.

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Shri Prakash Tiwari
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

Date : 14-01-2020

Heard learned counsel appearing for the appellant
and perused the record.

2. The appellant is aggrieved by the impugned order
dated 17-07-2018 passed by learned Single Judge in C.W.J.C.
No. 14643 of 2008, by which and whereunder, the learned
Single Judge dismissed the writ petition filed by the appellant.



3. The appellant was appointed on 01-08-1995 on the post of 'System Programmer' in Magadh University purely on the temporary basis by the order of Vice-Chancellor, but he proceeded on leave on 02-05-1997 and time-to-time he prayed for extension of leave and accordingly, he remained absent from his duty till 2000. The University got published notice in daily newspapers in respect of absence of the appellant, but the appellant did not respond to the aforesaid notice, and accordingly, the appellant was terminated from his service on 01-06-2000.

4. The learned Single Judge noticed that statute of the University says that a permanent or temporary employee of the University can take leave only after completion of two years of service, but admittedly, the appellant applied for sanction of leave prior to completion of two years of his service. The learned Single Judge, having noticed the aforesaid provision, confirmed the order of termination of the appellant.

5. We do not find any irregularity or illegality into the impugned order passed by the learned Single Judge, and therefore, we are of the view that this appeal is devoid of merit



and accordingly, this appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J.)

(Prabhat Kumar Singh, J.)

Anay

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CAV DATE	N/A
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