

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.1387 of 2018**

**In**

**Civil Writ Jurisdiction Case No.1958 of 2015**

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Anil Kumar Singh S/o Late Mahadeo Singh, R/o Mohalla-Bindwara, P.s.-  
Kasim Bazar, P.O. District-Munger.

... .. Appellant/s

Versus

1. The State Of Bihar through Director Education Department (H.E.), Govt. of Bihar, Patna
2. The Vice Chancellor, Tilka Manjhi, Bhagalpur University, Bhagalpur (Now Munger University, Munger)
3. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur, (Now Munger University, Munger)

... .. Respondent/s

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**Appearance :**

|                      |   |                                         |
|----------------------|---|-----------------------------------------|
| For the Appellant/s  | : | Mr. Prashant Kashyap, Advocate          |
| For the Respondent/s | : | Mr. Shashi Shekhar Tiwary, AC to AAG 15 |
| For the University   | : | Mr. Anant Kr. Singh                     |

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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 : 09-01-2020**

Heard learned counsel appearing for appellant,  
learned counsel appearing for State as well as learned counsel  
appearing for respondent Tilka Manjhi Bhagalpur University.

The appellant is aggrieved by the impugned  
judgment dated 23.8.2018 passed in C.W.J.C. No. 1958/2015 by  
which and whereunder learned Single Judge dismissed the writ  
petition of the appellant holding that his appointment was *ab  
initio* illegal.

The contention on behalf of the appellant that some  
employees of the concerned University were appointed in similar



way as the appointment of the appellant was made but the services of those employees have already been regularized and, therefore, in view of Article 14 of the Constitution of India, the same treatment is required in respect of the appellant also but the learned Single Judge failed to take note of the aforesaid fact.

It is an admitted position that the appointment of the appellant was not made by an open competition and, therefore, there is no doubt that the appointment of the appellant was *ab initio* illegal and hit by the principle laid down in the case of **Secy., State of Karnataka v. Uma Devi (3)** reported in **(2006) 4 SCC 1**.

It is well settled principle of law that if a wrong has been done, no person can claim to repeat the aforesaid wrong act under the garb of Article 14 of the Constitution of India and, therefore, we do not find any merit in this appeal.

Accordingly, this appeal stands dismissed.

**(Hemant Kumar Srivastava, J)**

**( Prabhat Kumar Singh, J)**

Spd/-

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| AFR/NAFR          | NAFR       |
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