

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1805 of 2018

In
Civil Writ Jurisdiction Case No.3137 of 2014

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Dina Singh, Son of Late Naurang Singh, Resident of Village- Jasaiya, P.S.-
Aurangabad, District- Aurangabad.

... .. Appellant

Versus

1. Magadh University, Bodh Gaya through its Vice Chancellor.
2. The Vice Chancellor, Magadh University, Bodh Gaya , District- Gaya.
3. The Registrar, Magadh University, Bodh Gaya, District-Gaya.
4. The Finance Officer, Magadh University, Bodh Gaya, District- Gaya.

... .. Respondents

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Appearance :

For the Appellant : Mr. Sunil Kumar Singh-Advocate
For the M.U. : Mr. Ritesh Kumar-Advocate

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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 : 06-01-2020

Heard the parties on I.A. No.01 of 2019, which has been filed by the appellant for condonation of delay of 04 years 237 days in filing this appeal on the ground that the appellant had preferred Civil Review No.213 of 2014 and the aforesaid review petition was disposed of by learned Single Judge on 05.09.2018 and thereafter, immediately the appellant preferred this appeal.

2. Perusal of impugned order dated 28.03.2014 passed in CWJC No.3137 of 2014 goes to show that the appellant withdrew



the aforesaid CWJC No.3137 of 2014 and on the prayer of appellant, learned Single Judge granted permission him to withdraw the aforesaid writ petition with liberty to him to move the Court, if he is denied payment of salary after being given clean acquittal by the criminal Court. The impugned order dated 28.03.2014 passed in CWJC No.3137 of 2014 makes it clear that the aforesaid writ petition has not been decided on merit rather the same was withdrawn by the appellant.

3. In view of the aforesaid facts, I.A. No.1 of 2019 stands rejected and this appeal stands dismissed with liberty to appellant to challenge the order dated 05.09.2018 passed in Civil Review No.213 of 2014 before the appropriate forum. However, the time spent by the appellant in pursuing this appeal shall be excluded at the time of consideration of limitation, if appellant challenges the order dated 05.09.2018 passed in Civil Review No.213 of 2014 before appropriate forum.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

