

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13227 of 2018

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Shyam Deo Yadav S/o Late Jaldhar Prasad Yadav, R/o Mohalla- Ashok Nagar,
Road No. 3 D P.O. Lohia Nagar Kankarbagh, Patna- 800020.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, Patna
2. The Director, Higher Education Department, Govt. of Bihar, Patna.
3. The Hon'ble Chancellor, Rajbhawan, Patna.
4. The Magadh University, Bodh Gaya, through the Registrar.
5. The Vice Chancellor, Magadh University, Bodh Gaya.
6. The Patliputra University, Patna through its Registrar.
7. The Vice Chancellor, Patliputra University, Patna.
8. Dr. Arun Kumar Jha, Professor, Department of Physics at College of
Commerce, Arts and Science, Patn

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Premchandra Yadav, Adv.
For the Magadh University	:	Mr. Ajay, Adv.
For the Patliputra University	:	Mr. Rana Vikram Singh, Adv.
For the State	:	Mr. Amit Bhushan, AC to GP 17
For the Hon'ble Chancellor	:	Mr. Shri R.K. Giri, Adv

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 05-09-2022

1. Heard the parties.

2. The petitioner, who is holding the post of Assistant Professor has preferred this writ petition praying for cancellation of promotion on the post of Professor, Department of Physics as the Department promoted him without considering the report of the Commission headed by the Hon'ble judge of this Court.

3. It has been further stated by the petitioner in the

writ petition i.e. respondent no.8, who was working as Assistant Professor in the Department had been promoted on the post of Professor, but his promotion was canceled by the University vide its order dated 21st March 2014, against which a writ petition has been filed before this court registered as CWJC No. 18375 of 2014. Said writ petition was allowed.

4. It is stated by the petitioner that some important documents have not been filed by the respondent or by the State or by the University during the course of hearing of the writ petition, which resulted in respondent getting success in the case. This court is absolutely amazed of the manner and method by which the pleadings have been taken up by the petitioner. His endeavour is to challenge an order passed by this court upholding the promotion of the respondent by preferring a separate writ petition relying upon some report of the Commission headed by the ex-judge of this court.

5. It is a mischievous attempt on the part of the petitioner and also an attempt to undermine this court's order passed in the writ petition filed by the petitioner. The petitioner did not challenge the said judgment either in appeal or by way of any review. The Forum chosen amounts to misuse of process.

6. Accordingly, the writ petition is dismissed on this

count alone with cost of Rs. 50,000/- to be imposed on the
petitioner and to be recovered and deposited with the Legal
Services Authority, Patna High Court, Patna.

(Sanjeev Prakash Sharma, J)

Pravinkumar/
sachin
Item No. 29

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