

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1775 of 2018

In
Civil Writ Jurisdiction Case No.15601 of 2015

=====

Kamlesh Kumar Thakur Son of Sri Nagendra Thakur, at Present Working as Laboratory Incharge in the Department of Chemistry, Parvati Science College, Madhepura, District-Madhepura,

... .. Appellant/s

Versus

1. Anil Kumar Son of Shri Bindeshwari Prasad Yadav Resident of Village-Shakarpura, P.S. and District-Madhepura, at Present Working as Lab Incharge, Department of Chemistry, Parvati Science College, Madhepura.
2. The Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura, P.S. and District-Madhepura through its Registrar.
3. The Vice Chancellor, Bhupendra Narayan Mandal University, laloo Nagar, Madhepura, P.S. and District-Madhepura.
4. The Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura, P.S. and District-Madhepura.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Pranav Kumar Jha
For the Respondent/s : Mr. Ritesh Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

4 10-11-2022 Heard Mr. Subodh Kumar Jha, learned Advocate for the appellant, Ms. Vandana Kishore for the B.N.Mandal University, and Mr. Amaresh Kumar Singh for private respondent no.4, who was the writ petitioner before the learned Single Judge. The challenge in the present appeal is to the consent order dated



11.05.2018, passed by the learned Single Judge in CWJC No. 15601 of 2015 preferred by the private respondent no.4.

It was the case of the writ petitioner before the learned Single Judge that notwithstanding the fact that he was appointed as the third Laboratory Incharge in the Chemistry Department of the College in question in the year 1981, the appellant herein (coincidentally respondent no.4 in the writ petition) who was appointed in the year 1985 in the college as a Laboratory Incharge in Zoology Department was absorbed against the death vacancy in the Chemistry Department. While the issues were being urged on behalf of the parties before the learned Single Judge, it was consented that the matter be remitted to the Committee, which was set up by the University, vide communication dated 28.02.2018, to look into all aspects of the matter with respect to the College in question.

From the order appealed against, it appears



that such suggestion came from the University as also the appellant (respondent no.4 in the writ petition). When the matter was relegated to the Committee, the parties appeared before the Committee, whereafter an order has been passed which is to the dislike of the appellant.

The appellant shall be well-advised to pursue his remedy against the aforesaid order in an appropriate forum. He would be precluded from challenging the order of remand, which ultimately was passed on the consent of the appellant.

However, Mr. Jha submits that, though it may have been recorded in the order of the learned Single Judge regarding consent on the matter to be remitted to the Committee, but the fact remains that the appointment of the appellant was approved by Justice Agrawal Commission and only because of such recommendation, the appellant was absorbed in the services of the College. To such averment, Mr. Amaresh



Kumar Singh, learned counsel for respondent no.4 has pointed out that even if it be true, such recommendation was for the department of Zoology and not for the department of Chemistry.

Be that as it may, the appeal is permitted to be withdrawn for the appellant to agitate against the order passed by the Committee and consequential order before an appropriate forum.

The appeal is dismissed as withdrawn with the liberty aforesaid.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

HR/Krishna

U			
---	--	--	--

