

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.140 of 2022

In

Civil Writ Jurisdiction Case No.7 of 2022

Dr Krishna Kishore Singh Son of Late Rajendra Prasad Singh Resident of Ward No.7, Village Sari, Samastipur 848101, retire from post of Associate Professor, Department of Phycholgy, S.R.K.G. College Sitamarhi, a constituent College of B.R. Ambedkar, Bihar University, Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar through the Principle Secretary, Education Department, Bihar, Patna.
2. The Chancellor of Universities of Bihar, Raj Bhawan, Patna.
3. The B.R. Ambedkar Bihar University, Muzaffarpur through its Registrar.
4. The Vice Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur.
5. The Registrar, B.R. Ambedkar Bihar University, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajesh Dayal, Advocate
For the University		
(Respondent Nos.3,4 &5 :		Mr. Nikhil Kumar Agrawal, Advocate
		Mr. Yash Sahay, Advocate
For the State	:	Mr. Ajay Kumar Rastogi, AAG-10

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 12-12-2022

Heard the learned counsels for the parties.

2. In the instant petition, appellant has questioned order of the learned Single Judge dated 07.03.2022 passed in C.W.J.C. No. 07 of 2022. The appellant Dr. Krishna Kishore Singh has attained age of superannuation and retired from service in the year, 2009. He has submitted representation to consider his name for promotion for the post of Professor on



number of occasions. Since, there was no response from the respondent, therefore, he had invoked writ jurisdiction under Article 226 of Constitution. For issuance of writ of mandamus one must have statutory right read with the demand before the competent authority. The appellant has not made out case as to how his legal right is established and created in the year 2022 with reference to C.W.J.C. No. 07 of 2022. Moreover, it is to be noted that he has attained age of superannuation and retired from service in the year 2009.

3. The Apex Court in the case of ***P.S. Sadasivaswamy vs. The State Of Tamil Nadu*** reported in ***A.I.R. 1974 SC 2271***, wherein it is held in respect of seniority/promotion the affected person must agitate before the Court of Law within a reasonable period of six months from the date of cause of action. The same has been reiterated by the Apex Court in the case of ***Vijay Kumar Kaul and Ors. v. Union of India*** reported in ***(2012) 7 SCC 610***.

4. In the light of these facts and circumstances and the fact that appellant has slept over for more than one decade from the date of his retirement in the year 2009. The present litigation is hopelessly barred by limitation as well as laches. Therefore, no interference is called for in so far as order of the



learned Single Judge dated 07.03.2022 passed in C.W.J.C. No.
07 of 2022.

5. Accordingly, appeal stands dismissed.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

Manish /
Mantreshwar

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.12.2022
Transmission Date	

