

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.731 of 2019

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Braj Kishore Singh Son of Late Baikunth Singh Resident of Village and P.O.-
Mujan, Police Station- Mohania, District- Kaimur (Bhabua), (Lecturer in Po-
litical Science).

... .. Appellant/s

Versus

1. The State of Bihar Director (Higher Education), Bihar Government, Patna.
2. The Director, Higher Education, Education Department, Government of Bi-
har, Patna-1.
3. The Veer Kunwar Singh University, Ara through its Registrar.
4. The Vice Chancellor, Veer Kunwar Singh University, Ara.
5. The Registrar, Veer Kunwar Singh University, Ara.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Vivekanand Vivek, Advocate Mr. Rang Nath Pandey, Advocate Mr. Debesh Kumar Poddar, Advocate
For the Respondent/s	:	Mr. Shashi Shekhar Tiwary, AC to AAG 13

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 22-08-2022

Heard I.A. No. 01 of 2019 in LPA No. 731 of 2019.

There is a delay of three days in filing LPA.

For the reasons stated in the application and affidavit,
delay of three days in filing LPA is condoned. Accordingly, I.A.
No. 01 of 2019 stands allowed.

The appellant has assailed the order of the learned Sin-
gle Judge dated 21.02.2019 passed in CWJC No. 11588 of 2018.



The appellant's grievance is relating to correction of date of absorption in the Veer Kunwar Singh University, Arrah from 19.03.1986 to 06.02.1981. His grievance was that he retired on 20.06.2018. He had a cause of action within a reasonable period of six months from 24.05.2006 in terms of Hon'ble Apex Court decision in the case of **P.S. Sadasivaswamy vs. State of T.N.** reported in **AIR 1974 SC 2271** read with **Ashok Kumar vs. State of Bihar** reported in **(2017) 4 SCC 357**. In the present case, it is not relating to extend only monetary benefits if appellant grievance is redressed in such an event large number of person's seniority and other conditions would be affected during the intervening period from the year 1981-86.

Learned counsel for the appellant vehemently contended that the present matter is covered by earlier decisions in the case of **Ram Pravesh Rai & Ors. vs. The State of Bihar & Ors. (Annexure-5)** passed in CWJC No. 21232 of 2014 dated 23.06.2015 read with **The State of Bihar & Anr. vs. Ram Pravesh Rai & Ors. (Annexure-6)** passed in LPA No. 218 of 2016 dated 25.07.2016.

The aforesaid decisions do not assist the appellant only on the score that he is a fence sitter. Moreover, if the appellant is extended benefit of his claim in that event large number of per-



sons’ right would be affected and they are not arrayed as necessary and proper party in CWJC No. 11588 of 2018. All these technicalities would be hurdle in extending any benefit to the appellant on par with the cited decisions.

In the light of these facts and circumstances and the fact that appellant has slept over his right from the year 2006 to 2018. Hence appellant has not made out case. Accordingly, the present LPA stands dismissed while affirming the order of learned Single Judge dated 21.02.20219 passed in CWJC No. 11588 of 2018.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

Vikash/-

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

