

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1916 of 2015

In
Civil Writ Jurisdiction Case No.15552 of 2010

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1. B. N. Mandal University Madhepura
 2. The Vice Chancellor, B.N. Mandal University, Madhepura.
 3. The Registrar, B.N. Mandal University, Madhepura.
 4. The Finance Advisor, B.N. Mandal University, Madhepura.
 5. The Finance Officer, B.N. Mandal University, Madhepura.

... .. Appellant/s

Versus

1. Dr. Ashok Kumar Mishra son of Late Mahendra Mohan Mishra resident of 33 Satish Sarkar Lane, Mashakchak, P.S. Adampur, Town and District - Bhagalpur.
2. Lambodar Jha Son of Late Jagdish Jha Lecturer Department of Commerce, R.M. College, Saharsa, District - Saharsa.
3. The Principal R.M. College, Saharsa.
4. The State of Bihar through the Principal Secretary Department of Human Resources, Development now E
5. The Secretary, Department of Human Resources Development Govt. of Bihar, Patna now Education Depart
6. The Director, Higher Education Department, Govt. of Bihar, Patna. null null
7. The Deputy Director, Education Higher Education Education Department, Govt. of Bihar, Patna.

... .. Respondent/s

with
Letters Patent Appeal No. 306 of 2016
In
Civil Writ Jurisdiction Case No.18097 of 2010

1. B. N. Mandal University
2. The Vice Chancellor, B.N. Mandal University, Madhepura.
3. The Registrar, B.N. Mandal University, Madhepura.

... .. Appellant/s

Versus

1. Naresh Kumar Singh s/o Late Ram Narayan Singh R/o Pratap Nagar, Ward No. 106 Gayatri Mandir Road Saharsa, at present working as lecturer in Mathematics at S.N.S.R.K.S. College Saharsa.



2. Dr. Gauri Shankar Mahto S/o Late Mantun Mahto R/o East of Bus Stand, Ward No. 19, Gangjala Saharsa, at present working as lecturer in the department of Mathematics at S.N.S.R.K.S. College Saharsa.
3. Ashok Kumar S/o Late Hare Krishna Kumar R/o Gangjala Muhalla, Ward No. 15, Saharsa, at present working as lecturer in Department of History at S.N.S.R.K.S. College Saharsa.
4. Sanjeev Shankar Singh S/o late Gauri Shankar Singh R/o House No. 97/12 Gangjala Saharsa, at present working as lecturer in Department of Economics at S.N.S.R.K.S. College Saharsa.
5. The Principal, S.N.S.R.K.S. College, Saharsa.
6. The State of Bihar through the Secretary, Higher Education, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 1916 of 2015)

For the Appellant/s : Shri P.N. Shahi, Sr. Advocate
Mr.Shashi Bhushan Singh, Advocate
For the Respondent/s : Mr.Purushottam Kumar Jha, Advocate

(In Letters Patent Appeal No. 306 of 2016)

For the Appellant/s : Shri P.N. Shahi, Sr. Advocate
Mr.Shashi Bhushan Singh, Advocate
For the Respondent/s : Mr.Nikunj Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

6 07-04-2022 The first case i.e. L.P.A. No. 1916 of 2015 has been filed against the order dated 16.03.2012 passed in CWJC No. 15552 of 2010, whereby and whereunder the writ petition has been disposed off, being squarely covered by the judgment dated 03.11.2010, passed by a Ld. Single Judge of this Court in CWJC No. 3017 of 2006 (Babu Saheb Jha and others vs. The State of Bihar & others). The Ld. Single Judge has consequently quashed the impugned orders qua the writ petitioners, holding



the same to be bad and has directed for revival of the petitioners' absorption made by the University vide notification dated 08.02.2005 as also has granted consequential benefits on the basis of their substantive appointment shown therein. The aforesaid appeal bearing LPA No. 1916 of 2015 is barred by limitation inasmuch as it has been filed on 09.09.2015 i.e. after delay of three years, four months and twenty days.

As far as the second case is concerned, i.e. LPA No. 306 of 2016, the same has been filed against the impugned order dated 05.12.2014 passed in CWJC No. 18097 of 2010, which has been allowed in terms of the order passed by the learned Single Judge, which is impugned in the first case and accordingly, the notification dated 31.01.2009 has been quashed, qua the writ petitioners and the absorption of the writ petitioners made by the University vide notification dated 08.02.2005 has been revived. This appeal also suffers from a delay of 314 days.

At the outset, the learned senior counsel for the appellant i.e. B.N. Mandal University, Madhepura, Shri P.N. Shahi has fairly submitted that the present case is squarely covered by a judgment dated 25.07.2016 passed by a learned Division Bench of this Court in LPA No. 218 of 2016 (The State of Bihar & Others vs. Ram Pravesh Rai & Others), arising out of order



dated 23.06.2015 passed in CWJC No. 21232 of 2014. It is further submitted that the aforesaid judgment dated 25.07.2016 passed in LPA No. 218 of 2016, has been upheld by the Hon'ble Apex Court vide order dated 22.11.2017 passed in Civil Appeal No. 2794 of 2017 (State of Bihar vs. Ram Pravesh Rai).

In such view of the matter, it is submitted that nothing survives for consideration in the present appeals, hence they are liable to be dismissed.

Having regard to the fair submission by the learned senior counsel for the appellants, the aforesaid appeals are dismissed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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