

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1118 of 2019

In
Civil Writ Jurisdiction Case No.16236 of 2018

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1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
 2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.

... .. Appellant/s

Versus

1. Tilka Manjhi Bhagalpur University Bhagalpur through its Registrar.
2. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
3. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
4. Dr. Vandana Rani wife of Dr Dilip Kumar Singh resident of Ward No. 20, Mohalla- Hajipur, P.S. and District- Khagaria.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vinay Kumar Mishra (Ac To Aag 15)
		Mr. Shashi Shekhar Tiwari, Advocate
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

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

Date : 08-07-2022

The matter is taken up through virtual mode.

2. In the instant appeal, the appellants State of Bihar through the Chief Secretary, Govt. of Bihar, Patna and the Principal Secretary, Human Resource Development Department, Govt. of Bihar, Patna have presented this appeal.

3. Perusal of the order dated 28.05.2019 passed in C.W.J.C. No. 16236 of 2018 (Annexure - 1), direction to the 5th



respondent to consider 4th respondent – Dr. Vandana Rani representation. Order dated 28.05.2019 reads as under:

“That learned counsel for the petitioner submits that the present case is squarely covered by the decision rendered by a coordinate Bench of this Court in the case of *Akhilanand Singh & Ors. vs. The State of Bihar & Ors.*, reported in 2018 (3) PLJR 1029.

Having regard to the submissions made by the learned counsel for the petitioner, I deem it fit and proper to relegate the petitioner to the remedy of filing a representation before the Respondent No. 5, before whom necessary representation shall be filed within a period of four weeks from today and the Respondent No. 5 shall take a decision thereupon in accordance with law within a period of eight weeks thereafter.

The writ petition stands disposed of on the aforesaid terms.”

4. The State - appellant has not apprised as to how their right is affected by virtue of the aforesaid order of the Learned Single Judge. It is to be noted that hardly the Learned Single Judge has directed the 5th respondent – The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur to consider respondent – Dr. Vandana Rani representation and 5th respondent was asked to take a decision. In the light of these facts and circumstances, the present appeal is not warranted on behalf of the petitioners. In other words frivolous L.P.A. has been preferred by the State – appellant.

5. Accordingly, the appeal stands rejected while imposing cost of Rs. 25,000/-. Cost shall be remitted to the Patna High Court Legal Services Committee, Patna High Court.



6. There is total non application of mind on behalf of the legal section or a department who has/have asked the State to prefer appeal against the Learned Singh Judge order so also appellants being responsible officers should have ascertain the factual aspects to the extent, how their rights are affected and further is it a fit case for filing or not.

7. Time and again Apex Court has held that preferring unnecessary appeal by the State authorities and obtaining a certificate was deprecated.

8. At this juncture, learned counsel for the appellants *Mr. Shashi Shekhar Tiwari* requested for withdrawal of the appeal i.e. L.P.A No. 1118 of 2019. Appellants are permitted to withdraw.

9. Accordingly, L.P.A. No. 1118 of 2019 stands dismissed as withdrawn.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	18.07.2022
Transmission Date	

