

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.807 of 2018

In
Civil Writ Jurisdiction Case No.8786 of 1996

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1. Lakshmeshwar Singh son of Ramashray Singh resident of Village - Bishunpur, P.S. - Mahua, District - Vaishali.
 2. Janak Singh son of Shri Badshah Singh resident of Village - Sarharwa, P.S. - Darauli, District - Siwan.
 3. Durgesh Kumar Singh son of Sri Kauleshwar Singh resident of Village - Rawatpaar Amethi, P.S. Larr, District - Deoria Uttar Pradesh.
 4. Makeswar Nath Singh son of Shri Rajendra Singh resident of Village - Dhatingara, P.S. Thawe, District - Siwan.
 5. Ramashankar Singh son of Ram Ekbal Singh resident of Village - Garar, P.S. Andar, District Siwan.

... .. Appellant/s

Versus

1. The State of Bihar through Secretary, Human Resources Development, Department, Bihar, Patna.
2. The Jai Prakash University, Chapra through its Vice Chancellor.
3. The Principal, Raja Singh College, Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arbind Kumar Singh, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 16-03-2023

On 15.02.2023, the following order was passed.

“There is no representation on behalf of the State. In the counter affidavit of the University it is specifically contended that appellants were appointed by the Principal, Raja Singh College, Siwan and such appointment was required to be approved by the State Government. It



is learnt that proposal has been sent to the State Government for approval. Further, it is learnt that State Government has not taken any action either of approving or disapproving the proposal sent by the college/university. Therefore, first respondent - Secretary, Human Resources Development Department is hereby directed to file his personal affidavit as to why there is inaction on the part of the State in neither approving the appointment of the appellants nor rejecting it. Such affidavit be filed before the next date of hearing.

Re-list this matter on 15.03.2023.”

Today 1st respondent - State has filed personal affidavit in the capacity of Additional Chief Secretary, Education Department, Government of Bihar, Patna, and in Para 10 it is stated as under:-

“10. That, therefore, it is humbly stated before this Hon’ble Court that there is no inaction on the part of the answering respondent in dealing with the present matter as it is reiterated here that there is no proposal sent by the university to the department for its consideration rather the claim of the appellants has been rejected by the university itself.”

Learned counsel for the University submitted that on 01.05.2015, the claim of the appellants was rejected and once again on 30.01.2023 during pendency of the L.P.A., decision



was taken with reference to service particulars of the respective appellants and the respondent University proceeded to reject the claim of the appellants.

In the light of these development, present L.P.A. do not survive for consideration. Accordingly, present L.P.A. stands disposed of, reserving liberty to the appellants to assail the order dated 01.05.2015 and 30.01.2023 before appropriate forum.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

shoaib/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.03.2023.
Transmission Date	NA

