

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.320 of 2023

Hemant Kumar Jha S/O- Late Jaideo Jha, Resident of Village-Nitya Nand Chowk, Manjhual, Khutan Tola, P.S.- Cherya Bariyarpur, District- Begusarai.
... .. Petitioner/s

Versus

1. The Patliputra University, Patna through its Registrar.
2. The Vice Chancellor, Patliputra University, Patna.
3. The Registrar, Patliputra University, Patna.
4. The Principal, Maltidhari (M.D.) College, Naubatpur, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ritesh Kumar, Adv.
For the Respondent/s	:	Mr. Rana Bikram Singh, Adv.
For the P.U.	:	Mrs. Rashika, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

2 20-01-2023

1. Heard the parties.

2. The petitioner has assailed the order dated 07.12.2022, whereby the petitioner has been deputed to Government Degree College, Rajgir, Nalanda from M.D. College, Naubatpur.

3. Learned counsel for the petitioner submits that the petitioner could not have been sent on deputation without his consent. He further submits that even if his deputation is to be treated as a transfer, the same can be only issued after the recommendations of a committee formed in terms of the Statute dated 25.07.2008 and the Vice Chancellor alone could not have transferred the petitioner who is a senior most Associate Professor in Department of Hindi. He also submits that no one



else has been posted in his place at M.D. College, Naubatpur.

4. I have considered the submissions.

5. It is an admitted position that the petitioner has complied with the order dated 07.12.2022 and joined at the Government Degree College, Rajgir, Nalanda. After having joined at the new place, he has turned around and challenged the said order by filing of the present writ petition. It is also noticed that at the time of joining also he did not reserve his right to challenge the same nor he has submitted his joining with any objection.

6. In view thereof, the petitioner is found to have accepted the order without any demur or objections. It is settled law that a person cannot be allowed to approbate and reprobate.

7. In view thereof, the present writ petition is dismissed on the basis of aforesaid principle.

8. However, the petitioner would always be free to file his representation seeking his transfer back to his earlier place of posting, if he so chooses either before the Vice Chancellor or before the Chancellor.

(Sanjeev Prakash Sharma, J)

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