

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1523 of 2019

In
Civil Writ Jurisdiction Case No.11966 of 2018

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1. The State of Bihar through Principal Secretary, Education Department, Bihar.
 2. The Director, Higher Education, Patna.

... .. Appellant/s

Versus

1. Magadh University, Bodh Gaya through its Registrar.
2. The Vice-Chancellor, Magadh University, Bodh Gaya.
3. The Registrar, Magadh University, Bodh Gaya.
4. Umesh Prasad Son of Late Mahendra Prasad Mahavir Colony, Nepali Nagar, Ashiana Digha, Road, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shashi Shekhar Tiwary, AC to AAG13
For the Respondent/s : Mr. Sunil Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

5 24-04-2023 The present appeal by the State is directed against the order dated 19.09.2018 passed in CWJC No. 11966 of 2018 which was disposed off by the learned Single Judge in terms of the judgment dated 17.07.2018 passed in CWJC No. 17670 of 2017 wherein it has been held that the decision in the case of the petitioner/Umesh Prasad would abide by judgment dated 17.07.2018 passed in CWJC No. 17670 of 2017 and other analogous cases of Akhilanand



Singh and others.

Against the aforementioned single Bench judgment in CWJC No. 17670 of 2017, the Magadh University had preferred an appeal vide LPA No. 794 of 2019 which stood dismissed on 26.09.2022.

Thus, the State would be well advised to either challenge that judgment before the superior Court or file a review before the Division Bench in case it is so deemed necessary.

We, therefore, do not get persuaded to entertain this appeal but give liberty to the appellant/State to file a fresh LPA in case the State succeeds in the review petition, if filed.

The petition is dismissed as withdrawn with the liberty aforesaid.

(Ashutosh Kumar, J)

(Harish Kumar, J)

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