

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14988 of 2015**

Dr. Imtiaz Ahmad son of Late Qeyamuddin Ahmad, resident of Flat No. 788,  
Mohiuddin Enclave, Road No.3/J, New Patliputra Colony, P.S.- Patliputra,  
District- Patna.

... .. Petitioner/s

Versus

1. The Patna University and Ors
2. Vice Chancellor, Patna University, Patna.
3. Registrar, Patna University, Patna.

... .. Respondent/s

**Appearance :**

|                      |   |                    |
|----------------------|---|--------------------|
| For the Petitioner/s | : | None               |
| For the Respondent/s | : | Mr. Digvijay Singh |

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      02-01-2024                      No one appears on call on behalf of the petitioner  
though learned counsel for the Patna University is present.

2. That the present writ application has been filed with  
a prayer for grant of the following reliefs:

i. Issuance of a direction, order or writ, including writ  
in the nature of mandamus commanding the concerned  
respondent authorities under the Patna University, Patna  
(hereinafter referred to as "the University") to accept the joining  
of the petitioner against the post of Reader (now renamed as  
"Associate Professor") in History and allow him to resume his  
duties in the said capacity in the services of the University in  
accordance with law with all the consequential benefits;

(ii) Issuance of a declaration holding that the



petitioner is entitled to be allowed to join as Associate Professor in History in the services of the University along with all the consequential benefits in terms of the provisions contained under the Service Statutes regarding general conditions of service relating to the employees of the University;

iii. Any other relief/reliefs that the petitioner may be found to be entitled to in the facts and circumstances of the present case.

3. Despite the lapse of eight years Patna University failed to file any counter-affidavit and today on call it was informed that the statement of fact signed by the Registrar of the Patna University dated 15.12.2017 is in the file of the learned counsel appearing for the University.

4. As per the statement of facts, the petitioner was serving as Director of Khuda Bakhsh Oriental Public Library, Patna and further despite repeated request of the Patna University, he was not returning back to his post. In the said circumstance, the concerned library was requested to provide details whether his post of Director of the library has been confirmed by it or nor.

5. The Khuda Bakhsh Oriental Public Library vide letter No. 613 dated 26.07.2015 informed the Patna University



that the services of the petitioner has been confirmed to the post of its Director from the date he joined the post in 2004 itself. As per the statement of facts this was intentionally suppressed by the petitioner as he was in the knowledge of the fact that he cannot hold two confirm post simultaneously.

6. This Court deprecates the action of learned counsel for the Patna University that for six year the said statement of fact could not be converted into a counter-affidavit and a copy of which was not sewed upon the learned counsel for the petitioner.

7. However, since no one has appeared for the petitioner, the writ petition stands dismissed for non-prosecution.

**(Rajiv Roy, J)**

Adnan/-

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