

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1518 of 2019

In
Civil Writ Jurisdiction Case No.8338 of 2018

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The State of Bihar through Director of Higher Education, Bihar, Patna.

... .. Appellant/s

Versus

1. Magadh University, Bodh Gaya through its Vice Chancellor of Magadh University, Bodh Gaya.
2. The Vice Chancellor of Magadh University, Bodh Gaya.
3. The Registrar of Magadh University, Bodh Gaya.
4. Ram Chandra Singh, Son of Shyam Bihari Singh, Resident of Village-Mosimpur, P.S.-Khushrupur, District-Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rakesh Narayansingh (Ac To Aag 15)
For the Respondent/s : Mr.Om Prakash Kumar

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

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

4 05-07-2024

Re: I.A. No. :- 01 of 2024

Heard I.A. No. 01 of 2024. There is delay of about 440 days in filing the present L.P.A. No. 1518 of the 2019.

2. For the reasons stated in the application read with affidavit, delay of about 440 days in filing the present L.P.A. No. 1518 of the 2019 is condoned.

3. Accordingly, I.A. No. 01 of 2024 is allowed.

4. Appellant has assailed the order of learned Single Judge dated 06.08.2018 passed in C.W.J.C. No. 8338 of 2018 .

5. Gist of the matter is that respondent no. 4 was employee of the Magadh University, Bodh Gaya. His service was



absorbed in the light of certain judicial pronouncement. Thereafter, the same was reviewed. Resultantly, contesting respondent preferred C.W.J.C. No.8338 of 2018 and it was decided in his favour on 06.08.2018.

6. Learned counsel for the University on instruction submitted that identical matters are pending considerations before the Hon'ble Supreme Court in SLP matters Diary No. 27892 of 2024 (*State of Bihar Vs Magadh University and Others*)

7. Accordingly, we propose to disposed of this L.P.A. Disposal of the present L.P.A. while affirming order of learned Single Judge dated 06.08.2018 passed in C.W.J.C. No. 8338 of 2018 would not be a hurdle for the University to the extent that, in the event of S.L.P. was in their favour / State in that event, University appellant are permitted to file interlocutory application to revive this order.

8. Accordingly, the present L.P.A. No. 1518 of 2019 stands disposed of.

9. Pending I.A.'s, if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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