

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.566 of 2021

Shiv Shankar Choudhary, Son of Late Ram Prasad Choudhary, Resident of Village and P.O. - Paghari, P.S. - Baheri, District - Darbhanga, Pin - 847105, at present working as Librarian, C.M. Science College, Darbhanga, a Constituent College under Lalit Narayan Mithila University, Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Additional Secretary, Higher Education Department, Govt. of Bihar, Vikas Bhawan (New Secretariat), Patna.
4. Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga, Bihar - 846004.
5. The Vice-Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga, Bihar - 846004.
6. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga, Bihar - 846004.
7. The Principal, C.M. Science College, Darbhanga, Bihar - 846004.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Binod Kr. Labh, Advocate Mr. Ajit Kumar, Advocate Mr. Abhishek Mani, Advocate Mr. Abhay Kumar, Advocate
For the State	:	Mr. Naman Nayak, AC to Ex-AAG10 (In-charge AAG-13)
For LNMU University	:	Mr. Nadim Seraj, Advocate Mr. Shailesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL JUDGMENT

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

Date : 17-01-2025

Short question for consideration in the present L.P.A. is whether appellant has assailed the regularization order dated 17.10.1998 as it has prospective effect. In the absence of



challenge to such prospective order and seeking retrospective regularization, appellant is not entitled to relief of regularization from retrospective date.

2. Learned counsel for the appellant on instruction submitted that appellant has assailed the regularization order dated 17.10.1998 insofar as prospective regularization and sought for retrospective regularization and the same has not been considered by the learned Single Judge. In this regard, it is necessary to take note of para 13 of the order dated 21.08.2021 passed in C.W.J.C. No. 19296 of 2019 which reads as under:-

“13. Further, the petitioner had accepted his regularization with effect from 17.10.1998 without raising any grievance against such decision, soon thereafter. For the first time, he raised a grievance against regularization in 2018 by filing a writ application before this Court.”

3. If there is challenge to the regularization order dated 17.10.1998 in C.W.J.C. and it has been ignored inadvertently in arguing the matter before the learned Single Judge and the learned Single Judge has not noticed insofar as challenge to the regularization order dated 17.10.1998, in that event appellant has remedy of filing civil review and not L.P.A. against the order of the learned Single Judge dated 21.08.2021 passed in C.W.J.C. No. 19296 of 2019.



4. Accordingly, the present L.P.A. stands dismissed
reserving liberty to the appellant to invoke civil review remedy
in accordance with law.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

rakhi/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	21.01.2025
Transmission Date	

