

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15237 of 2017

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Mantrilal Sharma Son of Late Durga Sharma, Resident of Village- Jaichapra, P.O.- Jaichapra, Via- Phulwaria Tajpur, P.S.- Manjhi, District- Chapra, presently residing at House No.176, Local Address Chirakut Nagar, Road No.3, Takiapar, P.O.- Digha, P.S.- Danapur, Patna- 800012.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Vice-Chancellor, Magadh University, Bodh Gaya, District- Gaya.
3. The Registrar, Magadh University, Bodh Gaya, District- Gaya.
4. The Governing Body through its Secretary, C.P. Verma College, Simri Bihta, Patna.
5. The President/Chairman, Governing Body, C.P. Verma College, Simri, Bihta, Patna.
6. The Principal/Professor Incharge, C.P. Verma College, Simri, Bihta, Patna.
7. Dr. Ramesh Prasad Verma, Son of Vayash Prasad Verma, Resident of Village- Doghara, P.O.- Bahuara, P.S.- Bihta, District- Patna, at present said Principal, Chandra Prasad Verma College, Simri, Bihta, District- Patna.
8. The Vice-chancellor Patliputra University, Near-College of Commerce, Patna-20
9. The Registrar, Patliputra University, Near College of Commerce Patna-20.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate Mrs. Sunidhi Vimal, Advocate
For respondent NO.6&7 :		Mr. Navin Prasad Singh, Advocate Mr. Narayan Singh, Advocate Mr. Siddharth Kumar, Advocate
For State	:	Mr. Rajesh Kumar Sinha, A.C. to G.P.-23.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

7 12-12-2025 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the respondent No.6 & 7 and learned counsel for the respondent-State.

2. The petitioner in the present writ application has prayed for grant of following relief :-



(a) For setting aside the order/approval made by the Magadh University, Bodh Gaya dated 08.05.17 by which the appointment / promoted made by the Adhoc Committee to the post of Principal of C.P.Verma College, Simri, Bihta, Patna was approved by the Hon'ble Vice-Chancellor, Magadh University, Bodh Gaya.

(b) For setting aside the decisions taken by the Adhoc Committee dated 28.03.2017 and 02.05.2017 by which the respondent No.7 was appointed to the post of Principal in the C.P. Verma College, Simri, Bihta, Patna.

(c) For a direction to the respondents to appoint the petitioner as Principal in C.P. Verma College, Simri, Bihta, Patna considering his seniority, regularity and sincerity etc.

3. Learned counsel for the petitioner fairly submits that during the pendency of this writ application, the petitioner has already attained the age of superannuation, and therefore, the relief claimed by the petitioner in the present writ application now cannot be granted. He, however, submits that on account of pendency of the present writ application, he has not been paid from the grant released by the State Government. Since the monetary relief from the session 2011-12 is due to him, therefore, he submits that if an appropriate direction could be issued granting liberty to the petitioner to approach the District Teacher Appellate Authority for claiming the monetary relief, with a further direction that the District Teacher Appellate Authority will not dismiss the appeal which shall be filed by the



petitioner on the ground of limitation.

4. To the aforesaid submission made by learned counsel for the petitioner, learned counsel appearing for respondent No. 6 and 7 and respondent-State do not have any objection.

5. Considering the fair submission made by learned counsel for the petitioner that the relief claimed in the present writ application cannot be granted as the petitioner has already attained the age of superannuation, this writ application is disposed of granting liberty to the petitioner to file an appropriate appeal before the District Teacher Appellate Authority within one month from the date of passing of this order and if such an appeal is filed, the the District Teacher Appellate Authority shall entertain the same and decide it on merit without dismissing it on the ground of limitation. It is further directed that the appeal which shall be filed by the petitioner shall be heard and decided on merit after giving due opportunity of hearing to the petitioner and the other parties concerned and it is expected that the appeal shall be decided by the the District Teacher Appellate Authority within a maximum period of one year from the date of filing of the appeal.

6. With the aforesaid observation/direction and liberty



granted, the present writ application stands disposed of.

7. All pending I.A.s, if any, is deemed to have been disposed of.

(Alok Kumar Sinha, J)

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