

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1178 of 2023

In

Civil Writ Jurisdiction Case No.324 of 2023

Manoj Kumar Sharma, Son of Lakhan Prasad Sharma, resident of Mohalla-Budha Colony, Ward No. 16, P.O. + P.S. - Banka, District - Banka, Bihar, 813102.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar, Patna.
4. The Bihar State University Service Commission, Patna through its Secretary.
5. The Chariman, Bihar State University Service Commission, Patna, Bihar.
6. The Secretary, Bihar State University Service Commission, Patna, Bihar.
7. The Tilkamanjhi University Bhagalpur, through its Registrar.
8. The Vice-Chancellor, Tilkamanjhi University, Bhagalpur.
9. The Registrar, Tilkamanjhi University, Bhagalpur.
10. Kamal Kishore Mandal, Son of Gopal Mandal, At present posted as Assistant Professor, P.G. Department of Ambedkar Thought and Social Work, T.M.B.U. Bhagalpur, Post Office - T.N.B. College, Police Station - Tatarpur, District - Bhagalpur, Pin Code - 812007.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhinav Srivastava, Advocate
For the Respondent/s : Mr. Sarvesh Kumar Singh (AAG- 13)
Mr. Harsh Singh, Advocate
Mr. Ritesh Kumar, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 20-02-2025

Re: I.A. No. 01 of 2023

I.A. No. 01 of 2023 has been filed for condoning



the delay of 230 days in preferring this appeal.

2. For the reasons stated in the I.A. No. 01 of 2023, the delay of 230 days in preferring this appeal is condoned.

3. I.A. No. 01 of 2023 stands allowed.

Re: L.P.A. No. 1178 of 2023

4. The Respondent No. 10, who was a Class-IV employee in the University, acquired the degrees of M.A. and Ph.D. in Ambedkar Thought and Social Work, while remaining in service. The acquisition of such degrees enabled him to apply for being considered and was appointed as Assistant Professor in the subject in the University. He was appointed after a proper procedure followed by the University and the Service Commission.

5. The appellant challenged the appointment on the ground that there was no prior permission taken by Respondent No. 10 for pursuing higher studies as he was a Class-IV employee.

6. The learned Single Judge, on not finding any



requirement for obtaining permission before acquiring higher degree, dismissed the petition and also imposed cost.

7. We are also of the same view, but considering background facts, we are of the view that it would only be appropriate to waive the cost imposed on the appellant.

8. We order accordingly.

9. With the aforementioned modification in the order passed by the learned Single Judge, the appeal is dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

P.K.P./Anushka

AFR/NAFR	
CAV DATE	
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