

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18 of 2023

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Md. Obaidullah Son of Md. Anvarul Haque, resident of Mohalla - Mahdauli,
P.O - Subhankarpur, P.S. - Laheriasarai, District - Darbhanga.

... .. Petitioner/s

Versus

1. L.N. Mithila University Darbhanga through the Vice Chancellor.
2. The Vice Chancellor, Mithila University, Darbhanga through the Vice Chancellor.
3. The Registrar L.N. Mithila University.
4. The Controller of Examination, L.N. Mithila University.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Respondent/s : Mr. Iqbal Asif Niaz, Advocate

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL JUDGMENT

Date : 16-07-2026

Heard the parties.

2. The present writ petition has been filed for the following reliefs:-

- (i) *For issuance of a writ in the nature of mandamus directing the concerned respondent authorities to issue appointment letter to the petitioner for the post of Laboratory Incharge as he was declared successful and selected for the aforesaid post and for the reasons best known to the respondent till date the appointment letter has not been issued.*
- (ii) *For further directing the concerned respondent authorities that after issuance of appointment letter to immediately post*



the petitioner on the post of Laboratory Incharge and accept his joining forthwith.

(iii) For further to pay all the benefits as if the petitioner has been all along in service with all consequential benefits as he has been kept out of service by the respondent illegally.

(iv) For further directing the concerned authorities to inquire into the matter as to why the differential treatment has been meted out to the petitioner and also to enquire whether any illegality has been committed by the respondents in such appointment and if found so to take appropriate action against the concerned officials.

3. The brief facts, which are essential for consideration of the present writ petition are that an advertisement bearing advertisement no. 2180-83/02 was published by the Lalit Narayan Mithila University (hereinafter referred to as 'LNMU'), Darbhanga. The petitioner being eligible, submitted his application for appointment on the post of Laboratory In-charge and pursuant thereto was called for written examination, which was conducted on 25.07.2012. Subsequently, he was called for interview on 30.07.2012. The petitioner appeared in both the written examination and the interview and thereafter, he was declared successful, along with other candidates.



4. It is the case of the petitioner that he kept on waiting for issuance of the appointment letter, however he did not receive the same and later on, he came to know that some of the selected candidates have been issued appointment letter. Thereafter, the petitioner approached the University authorities, however only assurance was given to the petitioner that the letter of appointment would be given to the petitioner shortly. The petitioner filed an application under the Right to Information Act on 19.10.2016, asking for reasons for non-issuance of appointment letter to him, but no action was taken. Again vide application dated 10.01.2017, the petitioner sought for information under the Right to Information Act and when no reply was given to him, he filed an appeal on 29.09.2017 and second appeal on 08.05.2019, however he could not succeed. The petitioner thereafter filed a detailed representation on 22.08.2022, giving details of all the relevant facts and annexing the relevant documents, but no response was received by the petitioner and left with no other option, the petitioner filed the present writ petition.

5. The learned counsel for the petitioner submits that despite the petitioner being successful in the written examination and the interview conducted by the University for different posts, he was not issued any appointment letter. He further submits that



the petitioner came to know through the paper news, which has been annexed as Annexure-3 to the writ petition that he has been declared successful in the written test and interview conducted by the University. He submits that for the reasons best known to the respondent authorities, appointment letters were issued to the similarly situated selected persons, however the petitioner was denied an opportunity of appointment, on account of non-issuance of the appointment letter to him. He further submits that after filing of the writ petition, counter affidavit and subsequent affidavits were filed on behalf of the University, wherein a categorical stand has been taken that the record related to the selection process has been misplaced and therefore, the appointment letter could not be issued in favour of the petitioner. He further submits that even vide order dated 11.02.2025 passed by a Hon'ble Single Judge of this Court in the present writ petition, the University was directed to produce original records, however the same was never produced. He further submits that after filing of the writ petition, the University filed a counter affidavit, wherein Memo No. 10863-936/12 dated 11.08.2012 was brought on record and from perusal thereof, it would transpire that the petitioner was selected on the post of PTI and he was directed to produce the certificate relating to his passing of physical



training test. He submits that the application of the petitioner was submitted for the post of Laboratory In-charge, then how can the petitioner be appointed as a PTI and even no appointment letter was issued to the petitioner. He further submits that after filing of the writ petition, the University constituted a Committee with regard to the case of the petitioner and the Committee in its meeting dated 15.02.2025 after recording that the original file/records are not available and the Xerox copy of the records were perused by the Committee, found that appointment letter was issued to him on the post of PTI, subject to production of the requisite certificate, however the petitioner did not join and under what circumstances, the appointment letter was issued to the petitioner for the post of PTI, instead of Laboratory In-Charge is not known to the office and therefore, the committee resolved to appoint the petitioner on the post of Lab In-charge in the subject of Chemistry from the date when the post of Laboratory Incharge was lying vacant in the said College on production of duly filled up application by the candidate, with all supporting document and it was also resolved to lodge FIR for the missing file. He further submits that in terms of the resolution of the committee dated 15.02.2025, vide letter no. C/DR-I/1656/25 dated 17.02.2025, issued under the signature of the Registrar, LNMU, Darbhanga,



the petitioner was directed to come with all the original documents available for his appointment as a Laboratory In-charge in K.V. Science College, Uchchaith, Benipatti, Madhubani. However, no action was taken on the said letter and subsequently, again a five members committee was constituted by the University. The committee in its meeting dated 17.03.2025, while taking note of the fact that the original file for appointment of non-teaching employees related to K.V. Science College, Uchchaith Benipatti, Madhubani in the year 2002, has been traced out and on perusal of the same, it was found that although the petitioner applied for the post of Laboratory In-charge, however the appointment letter was issued to him for the post of PTI, on production of requisite certificates, but, the petitioner did not turn up for joining and accordingly the Committee resolved, after going through the records available in the original file that the report submitted by the earlier committee dated 15.02.2025 is superseded and it is unanimously resolved that action on the issue after a long gap of 13 years cannot be taken by the University, since a panel for any appointment remains valid for one year only. Accordingly, the Committee recommended that since the main file has been traced out, the first information report be also withdrawn and in view thereof, the decision with regard to appointment of the petitioner



taken on 15.02.2025 was withdrawn. He submits that once the petitioner was decided to be appointed, then it was not appropriate on the part of the University authorities not to appoint the petitioner.

6. Per contra, the learned counsel for the University submits that no doubt, the application was filed by the petitioner along with others for his appointment. The petitioner submitted his application for the post of Laboratory In-charge, however he was recommended for the post of PTI and was directed to produce the relevant certificate of passing the PTI examination. It has further been stated that since the petitioner did not possess the requisite qualification for the post of PTI, therefore he did not report for joining and he filed different petitions under the Right to Information Act and lastly, filed the present writ petition. After filing of the writ petition, the University tried to trace out the file, related to the said appointment, but the same could not be found and since the writ petition was pending, a decision was taken at the level of the University to call the petitioner for personal hearing and to sort out the matter. He further submits that the Principal of the concerned college vide his letter dated 03.05.2024 informed the Registrar of the University that the petitioner, in terms of the



appointment letter issued on 11.08.2012 did not turn up to give his joining on the post of PTI.

7. The learned counsel for the University further submits that subsequently, a Committee was constituted to trace out the file and the Committee after recording all the relevant facts, resolved to appoint the petitioner on the post of Laboratory In-charge in the subject Chemistry, from the date when the post of Lab In-charge was lying vacant on the College, on production of a duly filled up application by the petitioner. In terms thereof, vide letter dated 17.02.2025, the petitioner was directed to appear along with all the documents, so that necessary action be taken. He further submits that subsequently, the original file was traced out by the University and a five members committee was constituted, which decided that since the file has been traced out therefore, the Committee recommends for superseding the earlier decision of the Committee dated 15.02.2025, whereby a decision was taken to appoint the petitioner as a Laboratory In-charge. He further submits that even from perusal of the merit list, which was published, pursuant to the written test and examination in 2012, it would transpire that on the post of Laboratory In-charge, two other persons were declared successful, namely, Dharendra Kaushal and Krishna Kumar Satyavari and the petitioner was recommended for the post of PTI,



although he did not possess the qualification for being appointed on the post of PTI. Since, he did not obtained the qualifying marks in the written test and interview, therefore two other persons, who obtained the highest marks, were recommended for being appointed on the post of Laboratory In-charge. He submits that from perusal of the merit list, it would transpire that petitioner did not obtain the highest marks and therefore, he was not recommended for the post of Laboratory In-charge at the relevant time and now, he cannot be appointed on the said post.

8. Having considered the rival submissions and after going through the records, it appears that pursuant to the order passed by this Hon'ble Court, process for appointment in the concerned college was taken up by the University. Applications were invited from eligible candidates and the written examination was conducted. The petitioner, along with others, was issued admit card for appearing in the interview. The petitioner appeared in the interview, however when he did not receive any appointment letter, he filed an application under the Right to Information Act before the University. It is the case of the petitioner that no information was provided to him, then he again filed an application on 10.01.2017 and when no information was provided to him, he filed an appeal on 29.09.2017 and second appeal on



08.05.2019. From the documents, it appears that the petitioner was provided with an information on 06.10.2017 by the University and again on 27.05.2019. It further appears that the appointment letter was issued to the petitioner for the post of PTI, pursuant to Memo No. 10863 dated 11.08.2012, however along with the Memo dated 11.08.2012, it was mentioned that the petitioner will have to give certificate with regard to his passing the physical training examination. It further appears from the record that although the petitioner had applied for the post of Laboratory In-charge, however he was given appointment letter for the post of PTI. When the petitioner had not submitted his application for the post of PTI, then there was no question of issuing office order dated 11.08.2012, whereby the petitioner was appointed as a PTI, since the petitioner did not had the requisite qualification for being appointed as a PTI. He did not join in terms of the memo dated 11.08.2012 and filed an application under Right to Information Act in 2016 and later on, filed the present writ petition. The writ petition was heard on different dates and vide order dated 11.02.2025 passed by a learned Co-ordinate Bench of this Court, it was recorded that the learned counsel for the University seeks one week time to produce the original records. The records were not produced by the University, since from the counter affidavit filed



on behalf of the University, it would transpire that the same was not traceable in the University. In view of the orders passed by this Hon'ble Court, a Committee was constituted by the University to decide the claim of the petitioner. The Committee after recording, that the original file is not available and under what circumstances, the petitioner was appointed on the post of PTI, although he was an applicant for the post of Laboratory In-charge, recommended that the petitioner be issued appointment letter for the post of Laboratory In-charge, from the date when the post of Laboratory In-charge fell vacant in the College. Subsequently, the original file related to the appointment in question was traced out and again the Committee came to the conclusion that since the file has been traced out, there is no occasion to issue appointment letter to the petitioner for the post of Laboratory In-charge, Chemistry, since the panel prepared has already come to an end after one year of its publication. It appears from the record that the merit list, which was published, the name of the petitioner was mentioned at serial no.9 and he had obtained 63 marks. One Dhirendra Kaushal, who was an applicant for the same post, upon which the petitioner is claiming appointment, had obtained 67 marks. Similarly, one Krishna Kumar Satyavadi, who was also an applicant for the post of Laboratory In-charge in the subject Chemistry, had also secured



63 marks and therefore, Dharendra Kaushal was selected under the unreserved category while Krishna Kumar Satyavadi was selected under the reserved category. Since the petitioner was an applicant under unreserved category and he had obtained lesser marks than Dharendra Kaushal, he was not appointed. It appears that the University authorities deliberately and intentionally in collusion with the petitioner did not record any post against the name of the petitioner in the merit list, since from the merit list, it would transpire that against each of the candidate, the name of the post is mentioned, however the name of post is not mentioned in the case of the petitioner and therefore, his name was recommended for selection on the post of PTI along with one Ranjeet Paswan, who had applied for the post of PTI. Since the petitioner did not possess the requisite qualification for the post of PTI, he did not join.

9. From the considerations made above and from the merit list, which has been brought on record by the University, this Court is satisfied that since the petitioner did not obtain the highest marks for being recommended on the post of Laboratory In-charge Chemistry, he was not selected and the persons, who were higher in the merit list, were recommended and selected on the post of Laboratory In-charge, Chemistry and accordingly were issued appointment letter.



10. Based on the above consideration, this Court does not find any merit in the writ petition and the same is accordingly dismissed.

11. Pending application, if any, shall also stands disposed of.

(Ritesh Kumar, J)

AjayMishra/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	18.07.2026
Transmission Date	NA

