
(1985) 08 PAT CK 0017

Patna High Court

Case No: Letters Patent Appeal No. 65 of 1983

Rameshwar Mishra

APPELLANT

Vs

Mahendra Jha and Others

RESPONDENT

Date of Decision: Aug. 13, 1985

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: AIR 1987 Patna 21

Hon'ble Judges: S.S. Sandhawalia, C.J; Ashwini Kumar Sinha, J

Bench: Division Bench

Advocate: K.K. Tewary, for the Appellant; Taranath Jha, (for No. 1), Pashupati Nath Jha, (for Nos. 2 and 3), Dinesh Charan and Amaresh Kumar Lal, (for No. 4), for the Respondent

Final Decision: Dismissed

Judgement

Sandhawalia, C.J.

In this appeal under Clause 10 of the Letters Patent, it seems unnecessary to recount the facts in any great detail, because of the twin reasons that the appellant has neither any locus standi nor is the appeal maintainable.

2. Mahendra Jha, respondent 1, had brought the writ petition giving rise to this appeal primarily against the Vice-Chancellor of the Kameshwar Singh Darbhanga Sanskrit University and its Registrar for the relief of the payment of salary to him. However, the Headmaster of Sarashwati Sanskrit Vidyalaya. Sathi, P.S. Sathi, district West Champaran, was also impleaded as apro forma respondent The learned single Judge, in allowing the petition, granted three distinct reliefs. He directed the Kameshwar Singh Darbhanga Sanskrit University to pay the salary to the petitioner from the 1st of Apr. 1980 to 31st Mar. 1981. He also directed the Sanskrit Education Board to pay the salary of the petitioner for the period between 1st Apr. 1982 and 31st Mar. 1983, Further he directed the Chairman of the said Board to hold an inquiry into the allegations as to whether the respondent petitioner was duly

appointed by the Managing Committee of the Sarashwati Sanskrit Vidyalaya, Sathi.

3. Now it is plain from the above that no relief has been granted against the appellant, against which he could possibly make a legal grievance. Indeed, on behalf of respondent 1, it is the averred stand that the appellant is not the Headmaster of the Sarashwati Sanskrit Vidyalaya, Sathi, and was never so appointed, and, consequently, is a complete stranger to the lis. Equally significant it is to note that neither the Kameshwar Singh Darbhanga Sanskrit University nor the Sanskrit Education Board has appealed against the judgment and, indeed, on their behalf it is stated that the direction given by the learned single Judge has been duly complied with. It, thus, seems plain that the appellant is in no better position than an intermeddler and has no locus standi, and the appeal is consequently not maintainable. The case is hereby dismissed with costs.

Sinha, J.

4. I agree.