

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.34 of 2014

=====

MA Gaffar Ansari @ MA Gaffar S/O Late Md. Rafique Ansari, resident of
Narga Bazar, P.O. - Champa Nagar, P.S. - Nath Nagar, District - Bhagalpur

.... Petitioner

Versus

1. The Vice Chancellor, T.M.Bhagalpur University, Bhagalpur
2. The Registrar, T.M. Bhagalpur University, Bhagalpur
3. The Principle, S.M. College, Bhagalpur
4. The Vice Chancellor, L.N. Mithila University, Darbhanga
5. The Registrar, L.N. Mithila University, Darbhanga
6. The Principal, R.K. College, Madhubani
7. The Finance Officer, L.N. Mithila University, Darbhanga

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha
For the Respondent/s : Mr. Ajay Behari Sinha

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

.....

6 15-01-2015 Heard learned counsel for the petitioner, Sri Rajendra Kumar Giri, learned counsel for Respondent/ T.M. Bhagalpur University and Smt. Binita Singh, learned counsel, who has appeared on behalf of Respondent/ L.N.Mithila University.

The petitioner, who retired with effect from 31st July, 2009 from R.K. College, Madhubani under L.N.Mithila University, invoking writ jurisdiction under Article 226 of the Constitution of India, has prayed for directing the Respondents to count the service rendered by the petitioner from 02.04.1984 to 06.11.1996, which was spent by the petitioner in S.M. College,



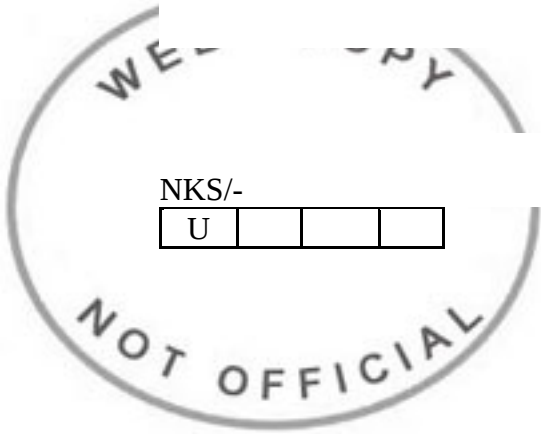
Bhagalpur under T.M. Bhagalpur University. It has been claimed that prior to joining L.N. Mithila University , the petitioner was lecturer in S.M. College, Bhagalpur and, as such, while fixing pension, the period spent by the petitioner in S.M. College, Bhagalpur was required to be taken into account, which has not been done. Accordingly, a prayer has been made for directing the Respondents to count the service rendered by the petitioner in S.M. College, Bhagalpur for fixation of pension.

In this case, counter affidavits on behalf of T.M.Bhagalpur University and L.N.Mithila University have been filed and a specific stand has been taken by the University, particularly T.M.Bhagalpur University that the period, for which claim is being made by the petitioner, was in respect of serving as adhoc lecturer in S.M. College, Bhagalpur that was not under L.N.Mithila University. From perusal of Annexure-3 to the writ petition, which has been brought on record by petitioner himself, it is evident that from 02.04.1984 to 06.11.1996 he was an adhoc lecturer, that too, under different University from the University, fromwhere he retired.

Keeping in view the fact that it was only an adhoc arrangement, claim for taking into account the service rendered by the petitioner as such may not be entertained. I do not find any

ground to pass any positive order in favour of the petitioner.

The writ petition stands disposed of.



(Rakesh Kumar, J)