

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1031 of 2011

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Chandra Shekhar Sukul, son of Late Shiv Kumar Shastri, resident of
Mohalla- Pandit Gali, Bhusatta, Biharsharif, District- Nalanda

.... Petitioner

Versus

1. The Magadh University through its Vice- Chancellor, Bodh Gaya, Bihar
2. Vice-Chancellor, Magadh University, Bodh Gaya, Bihar
3. Registrar, Magadh University, Bodh Gaya, Bihar
4. Principal, Nalanda College, Biharsharif (Nalanda)

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Nand Gopal Mishra

For the Respondent/s : Mr. Bipin Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 29-09-2015

Heard Sri Nand Gopal Mishra, learned counsel for the petitioner and Sri Bipin Kumar, learned counsel, who has appeared on behalf of Respondent/Magadh University, Bodh Gaya.

The petitioner, invoking writ jurisdiction of this Court under Article-226 of the Constitution of India, has prayed for directing the Respondents to regularise his service as Lecturer in the Department of Sanskrit, Nalanda College, Biharsharif. It has been claimed that the petitioner is continuously working since his date of initial appointment i.e. 24.08.1985. The petitioner has further prayed for directing the Respondents to make payment of salary in the pay scale of lecturer after his regularization.

Learned counsel appearing on behalf of

Respondents/Magadh University submits that the appointment of the petitioner was itself not legal. He submits that the petitioner was engaged by the Principal of the concerned college. However, he was not appointed by the University. In sum and substance, the petitioner's appointment was itself illegal.

Be that as it may, the Court is of the opinion that while exercising writ jurisdiction under Article 226 of the Constitution of India without any rule, regulation or instruction regarding regularization of service, no such order can be passed by this Court.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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