

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19108 of 2010

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1. Bhartendu Kumar Jha S/O Birendra Kumar Jha R/O Gram + Post- Tetri, Via-Naugachhiya, P.S.- Navgachhiya, Distt.- Bhagalpur
 2. Ratna Devi W/O Shri Anil Kumar Chaudhary R/O Vill.- Abhiya Bazar, Post- Abhiya Bazar, P.S.- Gopalpur, Via- Navgacchiya, Distt.- Bhagalpur
 3. Shambhu Sah S/O Shri Sahab Ram Sah R/O Vill. + Post- Sindhiya Makandpur, Navgachhiya, P.S.- Gopalpur, Distt.- Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Human Resources Development Department, Bihar, Patna
2. Tilka Manjhi Bhagalpur University, Bhagalpur Through Its Registrar
3. Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur
4. Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Shrivastava
For the T.M.B. University Mr. R.K.Giri
For the State Mrs. Neelam Prasad A.C. to G.P.25

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 09-01-2015 Heard Mr. Srivastava for the petitioner and counsel for the University.

A counter affidavit has been filed.

The petitioners, 03 in number, claim to have been working on non teaching post(s) in Madan Ahilya Mahila College, Naugachhiya without any payment of salary since last 03 decades. They claim to be working on the post(s) which, according to the resolution of the government dated 10.05.1991, is/are permissible within the norms of staffing pattern. Their cases require to be considered for regularization/absorption. Such submission has been made relying on the order passed by this Court in the light of the judgment rendered in the case of **State of Karnataka vs. Uma Devi (2006 (4) SCC page 1)**.



Mr. Srivastava has referred to Annexures-7 to 10 in order to impress upon the Court that communications relating to the petitioners between the college and the University were going on in the light of the report submitted by the Committee which was constituted for consideration of one-time absorption of non teaching employees in the light of the direction issued by this Court. It is the grievance of the petitioner that the matter concerning the petitioners could not thereafter be placed before the appropriate Body/Authority for consideration. In the setting of these facts the petitioner filed a representation before the Vice Chancellor as well as the Registrar as contained in Annexure-11. Since no action was taken thereon they have filed the present writ application seeking a direction commanding the respondents to take appropriate decision regarding absorption/regularization of the services of the petitioners in the said college on non teaching post(s).

A brief counter affidavit has been filed in which the respondents have not answered parawise. It has been stated therein that the case of the petitioners is not recommended by Justice S.C. Agrawal Commission which was constituted under the orders of the Apex Court.

On the other hand, the contention of Mr. Srivastava is that the communication on which the petitioners rely pertains to the period subsequent to the submission of the report by Justice Agrawal Commission. It has thus been submitted that obviously the consideration was being made in the light of the order passed by this Court for considering the cases of those employees who could be absorbed as one-time measure in the light of the order passed in the case of **Uma Devi** (supra).

On a consideration of the pleadings on record and submission of both the parties this Court is satisfied that the present writ application be disposed of by directing the petitioners to represent their grievances before the Vice Chancellor of the Respondent University for consideration and decision. If any such representation is filed within three weeks the Respondent Vice Chancellor shall consider the same and take appropriate decision in accordance with law as quickly as possible preferably within two months from the date of such filing. In case of denial of the claim it is expected that the Respondent Vice Chancellor shall pass a reasoned order.

(Kishore Kumar Mandal, J)

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