

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11 of 2013

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Bechan Mandal Son Of Basant Mandal Resident Of Village - Rahua, P.O. - Rahua Sangram, Police Station - Bheja, District - Madhubani, At Present Working As Class - IV Employee In Adinath Madhusudan Parasmani Sanskrit Mahavidyalaya, Rahua Sangram, Police Station - Bheja, District - Madhubani

.... Petitioner/s

Versus

1. Kameshwar Singh Darbhanga Sanskrit University, Kameshwarnagar, Darbhanga, District - Darbhanga Through Its Registrar
2. Vice-Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar, Darbhanga, District - Darbhanga
3. Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwarnagar, Darbhanga, District - Darbhanga
4. Principal, Adinath Madhusudan Parasmant Sanskrit Mahavidyalaya, Rahua Sangram, Police Station - Bheja, District - Madhubani
5. The State Of Bihar Through Principal Secretary (Higher Education), Human Resources Development Department, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. DURGA NAND JHA

For the Respondent/s : Mr. PRAHLAD KR. BHAGAT

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 30-01-2015

Heard learned counsel for the parties.

Since enough exchange of pleadings have taken place between the parties and enough indulgence was granted to assist the Court to the petitioner, the Court is not willing to grant any further adjournment to the petitioner to bring any additional paper now, which has not been taken into consideration earlier.

The facts are that the petitioner claims himself to have been appointed as a "Ward-Servant" by the erstwhile Managing Committee of Adinath Madhusudan



Parasmani Sanskrit Mahavidyalaya, located at Rahua Sangram, Police Station - Bheja, in the district of Madhubani. These appointments supposedly was made prior to take over of the institution by virtue of an agreement entered between the university as well as the management way back on 5th of April, 1982. After take over, the petitioner has continued on adhoc basis. His service has not been recognized and regularized and infact after 1999 itself even adhoc payments has been stopped. He has approached the High Court in the year 2013, looking for a direction upon the respondent-university and the State to recognize his service, not only in terms of the direction over agreement entered between the management and the university, but also under statutory obligation created under section 4 (14) of the Bihar Universities Act.

Enough of documents have already been brought on record, but all those documents does not help situation of the petitioner in any manner, because since 1982, if the petitioner has continued in service under the management and institution in question and his appointment was bona fide, a decision would surely would have been taken at one stage or the other for regularization of his service by either the university or

the State Government.

Nothing seems to have been done in all these years by the petitioner. Petitioner is also unruffled with the fact that his status continues to be nebulous and vulnerable for more than three decades. It is only when he is inching towards superannuation that he realize that even the adhoc arrangement or continuance is not going to be there after superannuation and may need something more by way of payment of pension etc. But that can only accrue, provided status of the petitioner is given legal sanction by the university and the State.

Even if the objection of the university counsel is waived that it is a very very belated kind of claim, which has been raised by the petitioner, the fact stands that the university as recent as on 21.05.2014 has issued an order under signature of the Vice-Chancellor after due consideration of the claim of the petitioner, during the pendency of the writ application that there is no post in existence of "Ward-Servant" and that there is no sanctioned post available under which he could be absorbed. Looking at the requirements and the directives issued by the State from time to time including the statutory provision, contained in section-35 of the Universities Act, the claim of the petitioner has been

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rejected or turned down.

The rational and reasoning given by the Vice-Chancellor seems to be in order. Petitioner cannot be directed to be regularized or adjusted on a non-existent much less unsanctioned post. It is a desperate effort on the part of the petitioner to get a foothold in the organization after long 30 years. This Court is not willing to give any indulgence thereto for the above reasons.

Writ application is dismissed with observation as above.

(Ajay Kumar Tripathi, J.)

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