

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.700 of 2013

In

Civil Writ Jurisdiction Case No. 10611 of 2012

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1. Ramnath Singh S/O Late Girja Singh R/O Village - Narayanpur, P.O. Narayanpur, P.S. Narayanpur, District - Bhojpur

.... Petitioner/s

Versus

1. The State Of Bihar Through Amarjeet Sinha, Principal Secretary, Department Of Higher Education, Govt. Of Bihar, Patna
2. Dr. Kumaresh Prasad Singh, Vice - Chancellor, Veer Kunwar Singh University, Ara
3. Dr. Manoj Kumar, Registrar, Veer Kunwar Singh University, Ara
4. Dr. Shiv Shankar Singh, Principal, Maharaja College, Ara

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mishra

For the Respondent/s : Mr. Sanjay Kr No.2 Ga5

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 24-04-2015

Heard.

The present application is filed asserting the non-compliance of order dated 25.06.2012 passed in CWJC No.10611 of 2012 whereunder the writ application was disposed of with the following observation and direction:-

“The relief prayed in the writ application is for regularization claiming appointment from 27.01.1986. Reliance is further placed on an order dated 29.02.2012 passed by the Vice Chancellor of the University and the subsequent order in C.W.J.C.No.7744 of 2012 disposing the writ application for

consideration in terms thereof.

Counsel for the respondents rightly submits that the initial appointment of the petitioner appears to have been on daily wage. If it was a daily wage appointment even long continuance creates no claim of regularization as held by the Constitution Bench judgment in (2206) 4 SCC 1 (Secretary, State of Karnataka v. Umadevi).”

Conversely, it is acknowledged that if the appointment of the petitioner on 27.01.1986 was on a vacant sanctioned post within the staffing pattern and the petitioner continued to work in that capacity he may have a claim to be considered in accordance with the Judgment in (2010) 9 SCC 247 (State of Karnataka v. M.J.Kesari).

Let the claim of the petitioner be considered in the light of the present discussion and disposed by a reasoned and speaking order within a maximum period of four months from the date of receipt and/or production of a copy of this order.”

Learned counsel for the Veer Kunwar Singh University, Ara submits that the claim of the petitioner has been disposed of vide order dated 28.11.2014 by the reasoned order by the Vice Chancellor which would appear from Annexure-A to the show cause filed on behalf of the Opposite Party No.2.

Since the order of the writ Court has been complied with, no action is required to be taken against the concerned Opposite Party(s). Accordingly, the this application stands disposed of. However, the petitioner has any grievance, he may take recourse before the appropriate forum in accordance with law.

(Rajendra Kumar Mishra, J)

B.Kr./-

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