

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18806 of 2010

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1. Dr. Bhushan Singh S/O Late Ram Suresh Singh At And P.O.- Sitalpur Babu Tola, Distt.- Chapra
 2. Dr. Birendra Kumar S/O Late Ram Lakhan Ray R/O Shyampur Bairo, P.O.- Hasi Kewal Via Bhaganpur, Distt.- Vaishali
 3. Dr. Sachida Nand Pathak S/O Late Prabhu Datt Pathak R/O Vill.- Narayanpur, P.O.- Patahi, Distt.- Motihari 'East'
 4. Kartik Kumar Verma S/O Late Singheshwar Nath Verma R/O Bagmali, North Of Sita Chowk, Hajipur, Vaishali
 5. Dr. Naresh Narayan Singh S/O Late Shyamfal Singh At And P.O.- Sekhpur, Umesh Nagar Via Ramna, Distt.- Muzaffarpur
 6. Vinay Kumar Singh S/O Lallan Prasad Singh Near State Bus Depot, Gopeshwar Nagar, At And P.O.- Chapra, Distt.- Chapra
 7. Dr. Sunil Kumar Singh S/O Late Devendra Kishore Singh Prabhunath Nagar (Behind Power House), Chapra, Saran
 8. Dr. Prakash Chandra Gupta S/O Late Pashupati Nath Gupta Sadar Hospital Chowk, Chapra, Saran
 9. Dr. Braj Kishore Tiwary S/O Shri Sanatan Prasad Tiwary R/O Vill.- Kutubpur Dumri, P.O.- Minapur Rai, P.S.- Hajipur Sadar, Distt.- Vaishali
 10. Hiralal Pandit S/O Baelal Pandit R/O Vill. And P.O.- Mheshpur Via-Teghra, Distt.- Begusarai
 11. Dr. Niranjan Kumar Singh S/O Late Maheshwar Prasad Singh At And P.O.- Kubauli Ram, Distt.- Samastipur
 12. Prem Sagar Sinha S/O Ram Niranjan Prasad Singh At And P.O.- Deyalpur, Distt.- Vaishali
 13. Dr. Shila Verma W/O Devendra Kumar Laxmi Narayan Nagar, Post-R.K. Ashram, Muzaffarpur
 14. Shri Lal Prasad S/O Late Ganga Rai R/O Vill.- Sabbalpur (West Tola), P.S.- Sonapur, Distt.- Saran

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary, Higher Education, New Secretariat, Patna
2. The Secretary, Human Resources Development Department, New Secretariat, Patna
3. The Director, Higher Education, Government Of Bihar, New Secretariat, Patna
4. J.P. University, Chapra, Through Its Registrar
5. The Vice Chancellor, J.P. University, Chapra
6. The Registrar, J.P. University, Chapra
7. P.R. College, Sonapur, Chapra Through Its Prof.-In-Charge
8. The Secretary, P.R. College, Sonapur, Chapra
9. The Prof.-In-Charge, P.R. College, Sonapur, Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Singh
For the Respondent/s : Mr. (AAG-6)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 05-01-2015

Heard Mr. Anil Singh for the petitioners, Mr. Mrigendra Kumar for the J.P. University and A.C. to AAG 6 for the State.

Fourteen petitioners have joined hands to file the present writ application seeking appropriate order/direction commanding the State Respondent to grant the benefit of deficit grant for the teaching post(s) held by them in Purbottar Railway College, Sonapur, Saran, an affiliated college of J.P. University, having been granted the status of Deficit Grant College by the State Government.

Considering the contention made by the counsel for the petitioners this Court would not set out in greater detail of the relevant facts giving rise to the present writ application.

It has been submitted on behalf of the petitioners that some teaching employees of the college in question moved a writ petition in this Court vide CWJC No. 8204 of 2012 (Dr. Pramod Kumar Sinha & Anr. Vs. State of Bihar & Ors.) for the similar relief(s). This Court after hearing the parties by an order dated 12.03.2014, disposed of the same by directing the respondent Principal Secretary, Department of Education, Govt. of Bihar to examine their claims and take appropriate decision in accordance with law; a web copy whereof has been handed in by the counsel for the petitioners which is taken on record and marked X for identification. In paragraph 14 of the said order, this Court directed as under:-

“In this view of the matter, let the matter is remanded back to the Principal Secretary, Education Department who will

examine the case of the petitioners and if he comes to the conclusion that the College of the petitioners is identical to those Colleges mentioned above certainly they will be also given the same benefit. The Principal Secretary, Education Department is directed to look into the matter and dispose of the same within a period of six months from the date of receipt/production of a copy of this order.”

Indisputably, the petitioners have already represented before the Respondent-Principal Secretary, Education Department raising the aforesaid grievance vide Annexure-8. It further appears that the University has also made a communication in this regard to the Principal Secretary, Education Department, Govt. of Bihar vide Annexure-7/1.

Counsel for the State in view of the aforesaid has fairly stated that some of the writ petitions filed by the teaching as well as non teaching staff of the college in question have already been disposed of wherein the Principal Secretary of the Government in the Department of Education has been directed to examine their claims and take appropriate decision in accordance with law. It thus appears that the matter concerning the college in question for the relief(s), as prayed for in this writ application, is already pending consideration before the Principal Secretary Department of Education, Govt. of Bihar.

The writ application therefore merits to be disposed of by directing the petitioners to make a fresh representation in this regard before the Principal Secretary, Education Department, Govt. of Bihar within four weeks. If any such representation is filed, needless to observe that the Respondent Principal Secretary Department of Education Govt. of Bihar shall examine/consider

the same and take appropriate decision in accordance with law as quickly as possible, preferably within four months from the date of such filing/presentation.

Let it be clarified that the merit of the claim of the petitioners in this writ application has not been gone into by this Court.

(Kishore Kumar Mandal, J)

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