

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8201 of 2015

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Jaganath Prasad Singh, son of Late Chandrika Singh, Retired Reader in the Department of Hindi, B.N.M.V. College, Sahugarh, Madhepura. At present Resident of village- Dighi, P.O. Dighi, P.S. Muliganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Higher Education, Patna.
2. The L.N. Mathila University, Darbhanga through its Registrar, L.N. Mithila University, Darbhanga.
3. The Vice Chancellor, L.N. Mithila University, Darbhanga.
4. B.N. Mandal University, Madhepura through its Registrar, B.N. Mandal University, Madhepura.
5. The Vice Chancellor, B.N. Mandal University, Madhepura.
6. The Registrar, L.N. Mithila University, Darbhanga.
7. The Registrar, B.N. Mandal University, Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binoy Kumar Singh
: Mr. Bijendra Kumar Singh
For the State : Mr. Rakesh Kumar Ranjan, A.C. to GA-12
For the B.N.N. University: Mr. Manish Dhari Singh
For the L.N.M. University: Mr. Chandra Mohan Singh

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 12-05-2016

1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Universities.

2. In the present case, the dispute is with regard to the date of appointment of the petitioner against the sanctioned post. Admittedly, the petitioner was appointed as teacher against the sanctioned post of Hindi subject in B.N. Mandal Commerce College, Sahugarh, Madhepura.

3. As per the claim of the petitioner he was appointed on 21.7.1976 against the sanctioned post, whereas as per the learned counsel for the State and University second post of Hindi teacher was sanctioned on 16.2.1981 and as such the petitioner cannot be deemed to be holding the sanctioned post prior to sanction of the post by the State Government.

4. Annexure-13 which is the part of the counter affidavit shows the name of the petitioner at Item No.34 and his date of appointment has been shown as 21.7.1976 against the sanctioned post, whereas in the counter affidavit plea has been taken by the State that the post was sanctioned on 16.2.1981.

5. In view of the conflicting facts which are emerging from the claim of the parties and from the averments made in the writ application as well as in the counter affidavit, let the Principal Secretary, Education Department, will decide the issue as to when the Government has sanctioned the second post of Hindi teacher in B.N. Mandal Commerce College, Sahugarh, Madhepura. The petitioner will be entitled to the benefit in terms of the decision of the Principal Secretary, Education Department. If any party feels aggrieved by the order of the Principal Secretary, he will have liberty to approach before the appropriate forum.

6. For convenience, the petitioner is directed to file a detailed representation annexing all the relevant documents. The Principal Secretary, Education Department, will dispose of the same within a period of four months from the date of filing of such representation.

7. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

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