

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12030 of 2013

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Babu Nand Singh, son of late Balkrishna Singh, Resident of East Bhojpur Colony,
Maa Asha Bhawan, Near Manokamna Mandir, Ramlakhan Path, Ashok Nagar
Patna-800020, Police Station Kankarbagh, District Patna.

.... Petitioner

Versus

1. The State of Bihar, through its Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Secretary, Education Department, Government of Bihar, Patna.
3. The Magadh University, through its Registrar, Bodh Gaya.
4. The Vice Chancellor, Magadh University, Bodh Gaya.
5. The Registrar, Magadh University, Bodh Gaya
6. The Finance Officer, Magadh University, Bodh Gaya
7. The Principal Jagat Narayan Lal College, Khagaul Patna

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Nilanjan Chatterjee, Adv.
Mr. Apurva Roy, Adv.
Mr. Surabhi, Adv.

For the State : Mr. Krishna Kumar Singh, A.C. to G.P.-22

For the University : Mr. Vipin Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 13-12-2016

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the University.

This Court is not required to go into the merit of the
case in view of the fact that amendment effected in the Bihar
Universities Act, 22 of 2012, thereby the Laboratory Assistants,
Junior Laboratory Assistants, Laboratory In-charge, Laboratory
Technicians and Technical Assistants have been deleted from the
definition of 'Teachers' and whoever have been given the benefit of



Demonstrator before 1975 they have been kept untouched by the Legislative mandate. The virus of the Bihar Universities Act was challenged before this Court and this Court has found that the provision is intra-virus and the State has effected the amendment within its legislative jurisdiction. The said decision is rendered in the case of *Akhauri Bijay Prakash Sinha and Ors. vs. The State of Bihar and Ors.*, reported in *2014(2) PLJR, 798*.

In such circumstances, the grievance which has been raised in the present application is no longer subsisting.

Learned counsel for the petitioner does not want to press this application. Accordingly, this writ application is dismissed as not pressed.

It is reported that the issue involved in this writ application is pending before the Hon'ble Supreme Court. It is made clear that the petitioner of this case will be governed by the result of the case pending before the Hon'ble Supreme Court.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	14.12.2016
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