

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8787 of 2014

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Shambhu Kumar son of Shri Shin Narayan Prasad Yadav, resident of Shiv Sadan,
Ward No. 5, Professor's Colony, P.S. Madhepura, District - Madhepura

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Bihar, Patna
2. B.N. Mandal University, Madhepura through its Registrar
3. Vice Chancellor, B.N. Mandal University, Madhepura
4. Registrar, B.N. Mandal University, Madhepura
5. Principal, T.P. College, Madhepura

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava
For the Respondent State : Mrs. BINITA SINGH, GP 31
For the University : Mr. Raju Giri

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 25-01-2016

Petitioner is one of the persons working as a Lab Incharge for a long period of time on daily wage. The question of regularization of such employees belongs to Class III and IV posts before the University. Matter was considered even of the present petitioner along with other category of employees and an order in his favour dated 19.7.2012 was issued under the signature of the Registrar of B N Mandal University, which is Anneuxre-21 of the writ application. Despite such an order and the demand raised by the University for payment of salary from the date of such regularization against vacant sanctioned post, the State authorities and the University are failing to

oblige the petitioner.

2. The stand of the University is that there were 33 vacant sanctioned posts in the College in question. Name of the petitioner does figure as one of the employees who was regularized but since the State authorities have not released funds, the University has no mechanism to make payments.

3. The attention of the Court was also drawn to a decision rendered by a learned Single Judge earlier with regard to 29 set of employees who had moved the High Court in CWJC No. 4623 of 2009, which came to be decided on 08/12/2011. Annexure-21 of the present writ application also refers to the order of the learned Single Judge passed in CWJC No. 4623 of 2009.

4. Yet another facet of the dispute is that despite the order of the learned Single Judge when the State authorities did not act upon it for releasing funds, yet another writ application was moved by a set of 29 petitioners by filing CWJC No. 1639 of 2015, which came to be decided on 21.12.2015. This Bench had occasion to deal with the matter and after considering the entire gamut of facts and dispute including the adjudication which had travelled, the Court directed for release of funds by the State Government.

5. Since the case of the petitioner falls in similar lines and he has also been regularized on the basis of the order passed in CWJC

No. 4623 of 2009, there is no reason why petitioner will not be treated identically with rest of the employees so regularized.

6. Much has happened. Enough deliberation has been made and the Court has expressed its opinion in favour of such employees. If this be so, writ application is allowed with a direction upon the State authorities that even fund for payment in favour of the petitioner would be released, preferably, within a period of three months from the date of production of a copy of this order. On receipt of the fund petitioner will get his salary on a regular basis from the University.

(Ajay Kumar Tripathi, J)

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