

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3853 of 2011

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Shri Ram Rai S/O Late Hriday Narain Rai, resident of village & P.O.
Chandwa (Near -J.J. College, Ara), P.S. Nawada, Ara , District - Bhojpur

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Human Resources Development, Govt. of Bihar, Patna
2. The Magadh University, Bodh Gaya, through its Vice Chancellor, Dist-Gaya
3. The Veer Kuer Singh University, Ara through its Vice Chancellor, Dist-Bhojpur
4. The Registrar, Veer Kuer Singh University, Ara
5. The Principal, Maharaja College, Ara

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Adv.

For the Respondent/s : Mr. AC to Advocate General, Bihar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

8 27-01-2016 Heard Sri Mayanand Jha, learned counsel, who was assisted by Sri Uday Kumar, learned counsel for the petitioner, learned AC to the Advocate General, Bihar , Sri Rajesh Prasad Chaudhary, learned counsel for the Respondent/ Veer Kuer Singh University and Sri Bipin Kumar, learned counsel for the Respondent/ Magadh University, Bodh Gaya.

The petitioner, invoking writ jurisdiction of this Court under Article-226 of the Constitution of India, has prayed for directing the Respondents to make payment of his wages and further to grant him the pay scale of regular Laboratory Incharge. It has been claimed that he is working as such since 17.11.1989 in

the Zoology Department of Maharaja College, Ara.

The petitioner in the writ petition has not brought on record any appointment letter. Learned counsel for the petitioner has placed reliance on Annexure-1 of the writ petition, which is purported to be joining letter of the petitioner as daily-wager.

In this case, Veer Kuer University has filed a counter affidavit and a clear stand has been taken that in the University, a cut-off date was fixed for regularization of service of daily wager, which was 10.05.1986. It has further been claimed that in such colleges, any appointment against Class-III can not be made without approval of the University, whereas no such approval has been made.

In view of facts and circumstances, particularly the fact that no plausible evidence has been brought on record as to legality of the appointment, I do not think that any positive order can be passed in favour of the petitioner. If so advised, the petitioner may avail appropriate remedy.

The writ petition stands disposed of.

(Rakesh Kumar, J)

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