

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12116 of 2014

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Om Prakash Singh, Son of Shri Sheo Pujan Prasad, Resident of Ghulam Ali Chowk, Post- Anandpur Camp, P.S.- Bihta, District- Patna

.... Petitioner

Versus

1. Tilka Manjhi Bhagalpur University, Bhagalpur through its Registrar
2. Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur
3. Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur
4. Principal, Marwari College, Bhagalpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Adv.

For the University : Mr. Anjani Kumar, Sr. Adv.

Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 05-09-2017 Heard Mr. Abhinav Srivastava, learned counsel for the petitioner and Mr. Shailendra Kumar Singh, learned counsel for Tilka Manjhi Bhagalpur University.

The present writ application has been filed for quashing the part of the order dated 02.03.2014, as contained in Annexure-16, issued under the signature of respondent no.3, the Registrar, Tilka Manjhi Bhagalpur University (hereinafter referred to as 'the University') whereby the petitioner has been transferred from the post of Assistant Vice-Chancellor to the post of Assistant, Marwari College, Bhagalpur (hereinafter referred to as 'the College') treating the petitioner's parent place of posting as the College.



It is submitted by learned counsel for the petitioner that Memo No. B/17726-760 dated 14.09.2013, as contained in Annexure-15, issued under the signature of Registrar of the University reflects that the petitioner was appointed as Assistant on 01.06.1991 and his service was regularized with effect from 01.06.1991, subsequently, his appointment was approved by the University, vide Office Letter No. RR/97/93 dated 21.06.1993, and he was absorbed in the University Office on the post of Assistant and he became entitled to the benefits of service, as was available to the staff of the University. Hence, it is submitted that the transfer order, as contained in Annexure-16, is contrary to the own order of the University, as contained in Annexure-15, which stipulates that the petitioner was absorbed in the University office. In the circumstances, learned counsel for the petitioner prays for disposal of the representation of the petitioner dated 12.03.2014, as contained in Annexure-18.

Mr. Shailendra Kumar Singh, learned counsel for the University submits that he is not having any objection in getting the representation of the petitioner dated 12.03.2014, as contained in Annexure-18, disposed of within a reasonable time frame.

Considering the rival submission of the parties, prima facie, it appears from the transfer order that the petitioner's



parent college has been considered to be the College, which appears to be in derogation to the University order, as contained in Annexure-15, whereby the petitioner was absorbed in the University Office.

In the circumstances, it is expected from respondent no.3, the Registrar of the University to dispose of the representation of the petitioner with a reasoned order within a period of six weeks from the date of receipt/production of a copy of this order, meeting the contentions raised by the petitioner and which are discussed above.

Accordingly, with the above observation and direction, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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