

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.100 of 2014
IN
Civil Writ Jurisdiction Case No. 8677 of 2004**

=====

1. The State of Bihar
2. The Secretary, Department of Higher Education, Government of Bihar, Patna
3. The Director of Higher Education, Government of Bihar, Patna
.... Respondents / Appellants

Versus

1. Prem Kumar Jha Son Of Shri Rudra Narayan Jha Resident Of Village - Nipania, Post Office - Barauni, Police Station - Phulwaria, District - Begusarai, At Present Working As Office Assistant In Deochand College, Hazipur, Police Station - Hajipur, District - Vaishali (**Since dead, substituted by following legal heir 1(i) vide order dated 31.01.2017**)

1(i) Smt. Veena Kumar, Wo Late Prem Kumar Jha, Resident Of Village - Nipania, Post Office - Barauni, Police Station - Phulwaria, District - Begusarai

2. Baba Saheb Bhim Rao Ambedkar, Bihar University Having Its Head Office At Muzaffarpur, Through its Registrar

3. Vice - Chancellor, Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur

4. Registrar, Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur

5. Principal Deochand College, Hajipur, District - Vaishali

.... Respondents / Respondents

=====

Appearance:

For the Appellant/s : Ms. Binita Singh and
Mr. Nishant Kumar Jha, Advocates.
For the University : Mr. Mrigank Mauli and
Mr. Samir Kumar, Advocates.
For the Private Respondent: Mr. Abhinav Shrivastava and
Mr. Raushan, Advocates.

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 06-10-2017

Heard learned counsel for the State and learned counsel for the private respondent, who is the legal heir of the original respondents.

2. After the decision was rendered by the learned Single



Judge on 09.05.2011, the husband of the private respondent was regularized against a vacant sanctioned post and now he is no more.

3. In view of the said development and keeping in mind what the learned Single Judge had to opine about the manner of entry of the erstwhile private respondent, his prolonged continuance in the college in question, etc., the Court is not willing to interfere with the order of the learned Single Judge in the above stated circumstances. The regularization done by the University vide office order dated 29.10.2013 will form the basis for settlement of entitlements and dues in favour of the legal heir.

4. Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09.10.2017
Transmission Date	N/A

