

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.928 of 2013

Arising out of

Civil Writ Jurisdiction Case No. 2082 of 2012

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1. Ram Babu Sah, S/o Late Prabhu Dayal Sah, R/o Village - Jamunabarahi, P.S. Bathanaha, District - Sitamarhi
 2. Uma Shanker Rana, S/o Late Baidyanath Rana, R/o Village - Bhataulia, P.S. Minapur, District - Muzaffarpur

.... Petitioners

Versus

1. The State of Bihar through Shri Amarjeet Sinha, Principal Secretary, Education Department, Bihar, Patna
2. Dr. Bimal Kumar, Vice Chancellor, BR Ambedkar Bihar University, Muzaffarpur
3. Dr. A.P. Mishra Registrar, B.R. Ambedkar Bihar University, Muzaffarpur

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Abhinav Srivastava, Advocate
For the State : Mr. Kumar Ravish, Advocate
For the University : Mr. Dhruv Mukherjee, Sr. Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

ORAL JUDGMENT

Date: 01-03-2017

Heard learned counsel for the parties.

2. This Court on 1st of February, 2012 in C.W.J.C. No. 2082 of 2012 directed the Vice Chancellor of the University to consider the representation of the petitioners and pass a speaking order in accordance with law. It was further ordered that if the claim of the petitioners is genuine, then the payment of arrears of salary shall also be granted.

3. The claim of the writ-applicants is for payment of salary of the post of Laboratory Incharge after deducting the salary paid to them from the date of take over of the college.



4. In the show-cause filed on 8th of December, 2014, it is recorded in the order dated 8th of August, 2014, that the University is unable to take a decision on its own on the matter on account of non-availability of sanctioned post on which petitioners are to be regularized.

5. A perusal of the said order dated 8th of August, 2014 shows that there is no sanctioned post in the constituent college after take over and, therefore, the services of the petitioners cannot be regularized and consequently they cannot be paid salary by the University.

6. In view of the said decision, I do not find that the present Contempt Petition survives. It is open to the petitioners to seek such other remedy as may be available to them in accordance with law.

7. The Contempt Petition stands disposed of accordingly.

(Hemant Gupta, ACJ)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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