

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19071 of 2014

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Lakhan Singh, S/o Late Dayal Singh, Quarter No. 8, IVth Grade, Veer Kuwar Singh University Campus, Ara, District Bhojpur.

.... Petitioner/s

Versus

1. Veer Kuwar Singh University, Ara through its Registrar.
2. The Vice Chancellor, Veer Kuwar Singh University, Ara.
3. The Registrar, Veer Kuwar Singh University, Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Respondent/s : Mr. Arabind Nath Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 12-07-2018

Heard learned counsel for the petitioner and the respondents.

2. The petitioner has approached this Court for a direction to the respondents to approve the conversion of his services from the post of Peon to Driver in the University.

3. Mr. Sunil Kumar Singh, learned counsel appearing on behalf of the petitioner referring to Annexure-5 contend that the Syndicate of the University has taken decision to convert three posts of Class-IV employees as driver to consider the case of the petitioner and others, who are in fact working as driver in the University. Mr. Singh referring to Annexure-7 contends that in anticipation of approval of the State Government, the University has adjusted Ram Balak as driver and as such the case of the petitioner is required to be



considered by the University on the same line. However, Mr. Singh admits that in terms of Section 35 of the Bihar State Universities Act post creation is domain of the State Government and the University can only recommend the State Government for sanction of additional need based post. He submits that in the University, there is requirement of additional post of driver and as such the Syndicate has taken the decision to convert three posts of peon as driver and out of three, one Ram Balak (peon) was adjusted as driver.

4. The decision of the University to convert Ram Balak as driver from peon is not in accordance with the provisions of Section 35 of the Bihar Universities Act. Section 35 of the Act mandates prior approval and there is nothing like in anticipation of approval of the State Government and as such the Court is not in a position to issue direction to the University to convert the post of peon as driver. However, if there is requirement of additional post of driver in the University, the University may request the State Government and the State Government on scrutiny of the requirement may pass appropriate order with regard to creation/sanction of additional post of driver.

5. In the peculiar facts and circumstances of the case, the writ application is disposed of with a direction to the respondent University to request the State government for creation/sanction of



additional post of driver based on need and the State Government is required to consider the request of the University objectively and take final decision on sanction of additional post of driver. In the event, the State Government sanctions the additional post of driver, the University will consider the case of this petitioner for adjustment as driver, on sanction of the post by the State Government. The University is required to send the recommendation to the State Government within a period of two months from today and the State Government is required to take final decision on the recommendation of the University within a period of three months from the date of receipt of such recommendation.

6. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.07.2018
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