

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8482 of 2016

Dr. Fakhrul Alam son of Late Sk. Md. Jan, resident of Mohalla- Naya Tola,
Ganj No. 1, Bettiah, P.S.- Bettiah Town District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Education Department, Govt. of Bihar, Patna
2. The Director, Higher Education, Govt. of Bihar, Patna
3. The Vice-Chancellor, B.R. Ambedkar University, Muzaffarpur
4. The Registrar, B.R. Ambedkar, University, Muzaffarpur Respondent/s

Appearance :

For the Petitioner/s : Mr. Zaki Haider
For the Respondent/s : Mr. Gp22- Gyan Prakash Ojha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-03-2018 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State.

Learned counsel for the petitioner submits that the issue raised in the present writ application is covered by the decision of this court contained Annexure-4 in C.W.J.C. No. 21232 of 2014 dated 23.6.2015 which was affirmed by the LPA Court in LPA No. 218 of 2016.

In view of the above, the writ petition is disposed of in similar terms to that of C.W.J.C 2123 of 2014 disposed of by a coordinate Bench of this court vide order dated 23.6.2016.

In view of the above, the stand of the State that the services of these petitioners can only be recognized from the date of sanction of the post may not be an accepted position in law because it is not open to the State to change their date of absorption or their appointment, which was provided for by justice Agrawal Commission under



the pretext to non-availability of post or sanction of the same with effect from 1.2.1988.

Writ application is allowed. Annexure-13 series are quashed.

During the course of hearing, learned counsel for the State submits that the State has preferred SLP but there is no submission in the counter affidavit as to the number of SLPs whereas learned counsel for the petitioner submits that the SLP filed by the State has been dismissed by the Apex Court.

Without going to this aspect, the court disposes of the writ application with observation that if any adverse order is passed by the Apex Court that will apply in the case of this petitioner also otherwise petitioner is entitled to the benefit in similar terms like the petitioners of C.W.J.C. No. 21232 of 2014 have been granted.

The entire exercise in this regard may be completed within a maximum period of two months from the date of receipt/production of a copy of this order and the consequential benefit should be extended to this petitioner within a further period of one month.

With the aforesaid, the writ petition stands disposed of.

Ravi/-

(Anil Kumar Upadhyay, J)

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