

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11127 of 1994

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Council for Advancement and restoration of education through its Secretary, Akhilesh Kumar Suman, son of Sri Vijay Kumar Sharma, resident of Village- Ramtari, P.S.- Bihta, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Department of Human Resources Development, Govt. of Bihar, Patna.
2. The Chancellor, Patna University and Bihar State Universities Raj Bhawan, Patna.
3. The Vice Chancellor, Baba Saheb Bhim Rao Ambedkar, Bihar University at Muzaffarpur.
4. The Chairman, Inter University Board, 25, North Srikrishnapuri, Patna-800013.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 6119 of 1995

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1. Pashupati Nath Singh, son of Shri Baikunth Nath Singh, resident of Village- Sahpur, P.S.- Sonpur, District- Saran, at present Lecturer in the Department of Psychology in Poorwottar Railway College, Sonpur in the district of Saran.
2. Bina Varma, daughter of late Shri Sheo Shankar Prasad, resident of near R.N. College, Hajipur, P.S. Hajipur Town, District- Vaishali, at present Lecturer in the Department of Political Science, in Poorwottar Railway College, Sonpur in the district of Saran.
3. Satyendra Kumar Sharma, son of Shri Sheo Nath Sharma, resident of Mohalla- Anandnagar, Near P.H.E.D. Colony, P.S. and District- Siwan at present Lecturer in the Department of Economics, Poorwottar Railway College, Sonpur in the district of Saran.
4. Kartik Kumar Varma, son of Shri Singheshwar Nath, resident of Village- Partapur, P.S.- Belsand, District- Sitamarhi, at present Lecturer in the Department of Commerce, Poorwottar Railway College, Sonpur in the district of Saran.
5. Umessh Narayan Sinha, son of Shri Hardeo Narayan Sinha, resident of Mohalla- Mohannagar, P.S.- Chapra Town, District- Saran, at present Lecturer in the Department of History, Purwottar Railway College, Sonpur in the district of Saran.
6. Chandra Bhushan Tewary, son of late Shri Sriman Narayan Tewary, resident of Village- Sabbalpur, Police Station Sonpur, District- Saran, at present Lecturer in the Department of Hindi in Poorwottar Railway College, Sonpur in the district of Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Chancellor of the University, Raj Bhawan, Patna.
3. Jay Prakash University, through its Registrar, Chapra.
4. The Vice Chancellor, Jay Prakash University, Chapra.



5. Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur, through its Registrar.
6. Vice Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
7. The College Service Commission through its Secretary, Boring Canal Road, Patna.
8. The Chairman, College Service Commission, Boring Canal Road, Patna.

.... Respondent/s

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Appearance :

(In CWJC No.11127 of 1994)

For the Petitioner/s : Mr. S.S. Thakur, Adv.

For the Respondent/s : None

(In CWJC No.6119 of 1995)

For the Petitioner/s : Mr. S.S. Thakur, Adv.

For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date: 27-09-2018

While Mr. S.S. Thakur, learned counsel appears for the petitioner(s) in the two writ petitions on instruction of Mr. Basant Kumar Choudhary, the Advocate on record, there is no representation either on behalf of the State or on behalf of the concerned University.

While the petitioner in CWJC No.11127 of 1994 questions the vires of the University Statute, issued under the authority of the Chancellor dated 29.01.1986 impugned at Annexure 1 to the said writ petition which, inter alia, provides for regularisation of services of temporary Lecturers, the second writ petition i.e. CWJC No.6119



of 1995 questions the advertisement issued in this regard dated 31.08.1994 together with some other advertisements published for filling up the post of Lecturer in different colleges.

While CWJC No.11127 of 1994 was admitted for hearing on 03.11.1995, CWJC No.6119 of 1995 was admitted on 20.03.1996.

These two matters were posted for consideration on 15.07.2010 and were directed to be listed after disposal of CWJC No.10096 of 2001. Office reports that CWJC No.10096 of 2001 has since been disposed of on the submission made by the learned senior counsel appearing on behalf of the petitioners recording the remedy available to the petitioners before the Syndicate.

Be that as it may, considering the tenor of the regulation Mr. Thakur, learned counsel appearing for the petitioner(s) submits that it is in the process of enforcement of the guidelines on regularisation issued by the Chancellor dated 29.01.1986 that several Lecturers who were not eligible for regularisation have been benefited by the University and which led to the filing of the writ petition but having noted the stipulations present in the guidelines impugned at Annexure 1 to CWJC No.11127 of 1994 we find nothing therein which infringe upon the constitutional safeguards requiring interference.



In so far as the other writ petition is concerned, considering that the advertisements were put to question, the passage of time does not persuade us to ponder over the issue and taking note of the order passed in CWJC No.10096 of 2001we are not persuaded to grant any further indulgence to the issues raised in the writ petition which are accordingly disposed of.

The two writ petitions are accordingly disposed of.

(Jyoti Saran, J)

(Nilu Agrawal, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27-10-2018
Transmission Date	NA

