

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13554 of 2014

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1. Dr. Raj Kumar Sah S/o Late Ganesh Pd. Sah r/o Mohalla - Hospital Road, P.S. Kahalgaon, Town and Distt. - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, New Secretariat, Bailey Road, Patna
2. The T.M. Bhagalpur University, through its Registrar, Bhagalpur 812007
3. The Registrar, T.M. Bhagalpur University, Bhagalpur - 812007 null null
4. The Vice - Chancellor, T.M. Bhagalpur University, Bhagalpur 812007
5. The Principal, S.S.V. College Kahalgaon, 813203

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Kishor Poddar
For the Respondent/s : Mr. Anil Kumar Singh, GP-26
For the University : Mr. Rajendra Kumar Giri

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-09-2018 Heard learned counsel for the petitioner and counsel appearing on behalf of the respondents.

Pursuant to the report of Prof. Shyam Lal Committee, the university issued orders revising the seniority of the teachers in the constituent colleges in different universities in the state of Bihar.

The matter was challenged before the the writ court in order to settled the factual controversy constituted Justice (Retd.) S.N.Jha Committee to examine with reference to the material, whether initial date of appointment should be the cut off date in case the appointment of teachers was made after following the



selection process or the date of regular service should be counted from the date of regularization under regularization statutes.

Justice S.N. Jha inquired into the matter and in Case No.79 (T.M.B.U.) i.e. the case of petitioner and on considering that the advertisement was published in the newspaper on 10.05.1977 and the petitioner was appointed on 25.08.1977 after following the selection process following the advertisement held out that the seniority of the petitioner will reckon from the date of initial appointment dated 25.08.1977.

In view of the aforesaid finding, in the Case No. 79 (Annexure-17) in favour of the writ application the respondent university has recalled the order, which was challenged in the writ application (Annexure-1) however the grievance of the petitioner is that notwithstanding the orders contained in Annexure-1 and Annexure-2 recalled by the university the consequential benefit in the nature of restoration of monetary benefit has not been granted to the petitioner. Learned counsel for the petitioner submits that the respondents have not considered the case of the petitioner for grant of time bound promotion from 22.12.1986 and also not considered the case of the petitioner for further for other promotion and consequential benefit counting the initial date of appointment as 25.08.1977.



In view of the finding of Justice S.N. Jha Committee (Annexure-17) the respondent university is under obligation not only to issue notification recalling Annexure-1 and Annexure-2 but at the same time university is under obligation to restore back all benefit which was withdrawn by the respondent or denied by the respondent on the basis of Annexure-1 and Annexure-2.

In view of the discussions made hereinabove, the respondent university is directed to work out the entitlement of the petitioner including grant of promotion and monetary benefit considering the date of initial appointment i.e. 25.08.1977. Necessary steps be taken by the respondent within a maximum period of four months from the date of receipt/production of a copy of this order.

The university has to issue all consequential benefit to the petitioner in terms of the direction of this court within time frame of four months as indicated above.

With the aforesaid, this writ petition is allowed and disposed of.

(Anil Kumar Upadhyay, J)

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