

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14189 of 2010

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1. Dr. Manju Bala Singh W/O Abdhesh Prasad Singh R/O Mohalla-Chanakya Nagar, Mohammadpur, P.S.- Begusarai Town, Distt.- Begusarai, Presently Posted As Reader In The Subject Of History In Sri Krishna Mahila College, Begusarai, A Constituent Unit Of Lalit Narayan Mithila University, Darbhanga
 2. Krishna Devi W/O Ram Kumar Prasad Singh R/O Vill.- Manjhaul, P.S.- Manjhaul, Distt.- Begusarai, Presently Posted As Reader In The Subject Of Zoology In Sri Krishna Mahila College, Begusarai, A Constituent Unit Of Lalit Narayan Mithila University, Darbhanga
 3. Dr. Ajay Kumar Rukhaiyar S/O Late Brajeshwar Prasad C-49, Vishwanath Nagar, P.O.- Begusarai, P.S.- Begusarai, Distt.- Begusarai, Presently Posted As Head Of The Department Of Physics In Sri Krishna Mahila College, Begusarai, A Constituent Unit Of Lalit Narayan Mithila University, Darbhanga
 4. Darakhan Nazam Quisher W/O Rahman Quisher R/O Mohalla-Mungeriganj, P.S.- Begusarai, Distt.- Begusarai, A Retired Employee As Reader In The Subject Of Urdu In Sri Krishna Mahila College, Begusarai, A Constituent Unit Of Lalit Narayan Mithila University, Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Higher Education Government Of Bihar, Patna
3. The Vice-Chancellor, Lalit Narayan Mithila University, Darbhanga
4. The Registrar, Lalit Narayan Mithila University, Darbhanga
5. The Finance Officer, Lalit Narayan Mithila University, Darbhanga
6. The Principal, Sri Krishna Mahila College, Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh
For the Respondent/s : Mr. (Aag10)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

14 18-09-2018

By an order dated 18.03.2013 passed in a batch of writ

petitions i.e. CWJC No. 10032 of 2009 and other analogous cases,

this Court, by the consent of the parties in all the cases had

referred the matter of the colleges/universities teachers regarding



determination of their qualifying period of service for the purpose of benefit of increment and promotion to the various posts, to One Man Committee headed by Hon'ble Mr. Justice S.N. Jha, a retired Judge of this Court.

The relevant portion of the said order dated 18.03.2013, defining the terms of reference, is reproduced herein below:-

“The term of reference of Justice Jha would be for determining the qualifying period of service of each and every teacher on whom notices have been served or action taken in furtherance to the observation of the High Court in the earlier Orders. It is made clear that no deliberation and exercise would be required to be made on the correctness or otherwise of the appointment or entry into service at the thresh-hold though it will have relevance to the above determination and exercise. The issue of validity of appointments cannot be racked up now after more than two to three decades and there is an inherent presumption with regard to their continuance, taking into consideration the long span of service rendered by them. Justice Jha, however, would be obliged to give a hearing to the petitioners / teachers or their counsels and the university and the State Authorities are also free to assist Justice Jha in resolving an issue which has been pending for many many years due to protracted litigation. The Court leaves it to Justice Jha to make appropriate request or direction for the kind of logistics or support which he requires from the State Government for completing the task being conferred upon him by this Court.”

Now the said One Man Committee headed by Hon'ble Mr. Justice S.N. Jha, a retired Judge of this Court, as also retired Chief Justice of the Jammu & Kashmir and Rajasthan High Court, has submitted his report consisting of orders/judgments passed by



him with regard to the various writ petitioners as well as other employees of the Universities/Colleges.

As far as the petitioner nos. 1 and 4 are concerned, the learned counsel for the petitioners submits that their grievances have already been redressed by the University, hence the present writ petition qua the petitioner nos. 1 and 4 has become infructuous.

In such view of the matter, the present writ petition is disposed of as not pressed qua the petitioner nos. 1 and 4.

As far as the petitioner no. 2 is concerned, her case is disposed of in terms of the order passed by the learned One man Committee dated 18.12.2015 with a direction to the University to implement the said order dated 18.12.2015 within a period of two months from today.

Now coming to the case of the petitioner no. 3, the learned Committee has held his case as not maintainable before the Committee, hence the petitioner no. 3 is granted liberty to file a fresh writ petition.

(Mohit Kumar Shah, J)

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