

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1367 of 2011

=====

Dr. Naresh Narayan Late Sri Ram Sharma Akbarpur, P.O. & P.S. Asthama,
Distt. Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department
Govt. Of Bihar
3. The Secretary, Human Resources Department, Govt. Of Bihar, Patna
4. The Director, Higher Education, Human Resources Development,
Department, Govt. Of Bihar, Patna
5. The B.N.Mandal University, Through Its Registrar, Laloo Nagar,
Madhepura
6. The Vice Chancellor, B.N. Mandal University, Laloo Nagar, Madhepura
7. The Registrar, B.N. Mandal University, Laloo Nagar, Madhepura

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha

For the Respondent/s : Mr. Girija Shankar Pd Gp1

=====

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 present case is concerned, the aforesaid One Man Committee has held the case as not maintainable, hence the petitioner is granted liberty to file a fresh writ petition.

The writ petition is disposed off with the aforesaid liberty.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

