

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15349 of 2014

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1. Archana Sinha D/o Shri Nawal Kishore Prasad Sinha Chanakyapuri Colony, Opposite Dumraon Block Office, P.O. + P.S. Dumraon, District Buxar.
 2. Rajgriha Rai S/o Jagpati Rai Village Mukundpur, P.O. Naya Bhojpur, P.S. Simri, District Buxar.
 3. Sheshnath Singh S/o Jangi Singh Village + P.O. Kopma, P.S. Karansarai, District Buxar.
 4. Chandradeep Prasad S/o Late Indradeep Prasad Village + P.O. Dahiwar, P.S. Buxar Industrial Area, Buxar.

... .. Petitioner/s

Versus

1. Veer Kuwar Singh University, Ara through its Registrar.
2. The Vice Chancellor, Veer Kuwar Singh University, Ara.
3. The Registrar, Veer Kuwar Singh University, Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Akashdeep, Advocate Mr. Sunil Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sarva Deo Singh, Advocate
For the University	:	Mr. Rajesh Prasad Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 26-07-2018 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

The grievance of the petitioners in the present writ application is non consideration of their case for regularization.

Mr. Akashdeep, learned counsel appearing on behalf of the petitioners submits that similarly circumstanced others have been regularized but the case of the petitioners was not considered notwithstanding the favourable recommendation of the University. Learned counsel submits that post is available for consideration of the case for regular appointment. It is true that after judgment of the Apex Court in the case of **Secretary,**



State of Karnataka & Ors Vs. Umadevi & Ors. reported in (2006) 4 SCC 1 that there is no scope for any direction by this court for regularization. However, the recent judgment of the Apex Court on which Mr. Akashdeep has relied i.e. in the case of **Amarkant Rai Vs. State of Bihar & Ors. reported in 2015 (8) SCC 265** in similarly circumstanced the Apex Court has issued direction for consideration having regard to the peculiar facts of that case.

Learned counsel for the petitioners submits that the case of the petitioners is identical except the distinction that in the case of **Amarkant Rai** (Supra) petitioner was removed whereas these petitioners are still continuing.

Under the aforesaid circumstances, the writ petition is disposed of with direction to the respondents to consider the case of the petitioners in the light of judgment of the Apex Court in Umadevi as well as Amarkant Rai (Supra) and they may take final decision on the issue of regular appointment within a period of six months from the date of receipt/production of a copy of this order and if the petitioners have regularly worked for 10 years before the judgment rendered by the Apex Court in Umadevi's case in terms of paragraph 53 of the said judgment.

So far as payment of salary is concerned, the



petitioners are granted liberty to file representation before the University and the University is required to decide the claim of the petitioners for payment of salary, if the petitioners have performed the duty as assigned by the respondents, the respondents are required to make payment of salary, otherwise it will amount to violation of Article 23 of the Constitution of India.

Mr. Rajesh Prasad Choudhary, learned counsel appearing on behalf of the University submits that the case of the petitioners does not warrant any indulgence for the reason that on such appointment, vigilance enquiry is going on.

Without expressing any opinion on the merit of the case, the University and State is directed to examine the claim of the petitioners in the light of law laid down by the Apex Court in Umadevi and Amarkant Rai (Supra) and take final decision within a period of four months from the date of filing of representation by the petitioners.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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