

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22694 of 2012

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Fazle Rub Son of Late Md. Quasim At And P.O. Madhepur, P.S. Madhepur,
District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Vice Chancellor, Lalit Narayan Mithila University, Darbhanga
3. The Registrar, Lalit Narayan Mithila University, Darbhanga
4. The Principal H.P.S. College, Madhepur, District - Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Nazir Ansari
For the Respondent/s	:	Mr. J.K. Sinha, AC to SC-17
For the LMNU	:	Smt. Binita Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 13-09-2018 The issue raised in the present writ application is of
re-designation of demonstrator.

After several round of litigation the definition of teachers was amended and demonstrators were excluded from the definition of teachers. The amendment in the Bihar University Act and the exclusion of demonstrator from the definition of teachers was challenged before the Division Bench of this court. The Division Bench upheld the amendment and exclusion of demonstrators from the definition of teachers.

The matter was finally decided by the Apex Court in the case of **Durga Prasad Singh & Ors. Vs. The State of Bihar & Ors.: Civil Appeal No(s). 6178-6181 of 2015** where



the Apex Court has passed the following order :-

“We have heard learned counsel for the parties at great length.

These appeals arise out of challenge to the Bihar State Universities (Amendment and Validation) Act, 2012 (Bihar Act 22 of 2012) which has been upheld by the High Court by the impugned order, We do not find any ground to interfere with the view taken by the High Court in upholding the said Act.

We however make it clear that the present status, rank and pay of the appellants will not be disturbed. If any lab assistant has been given designation of demonstrator, which he continues to hold till date, it will not be withdrawn. They will not be entitled to any further benefits in conflict with the impugned Act.

In view of above, the appeals are disposed of.

No costs.

Pending application, if any, shall also stand disposed of.”

In view of the decision of the Apex Court in Durga Prasad Singh case (Supra), the writ petition is disposed of with a direction to the respondent university and State to take appropriate decision in the light of the decision of the Apex Court in **Durga Prasad Singh’s** case and take appropriate decision on the claim of the petitioner within a maximum period



of four months from the date of receipt/production of a copy of
this order.

With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

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