

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7690 of 2012

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Arun Kumar Pathak, S/O Late Chandi Dutta Pathak, Resident of Satya Narayan
Mandir Gali, Parsauni Bazar, P.S. Town, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna
2. The Secretary, Education Department, Bihar, Patna
3. B.R. Ambedkar Bihar University, Muzaffarpur through its Registrar
4. The Vice-Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur
5. The Registrar, B.R. Ambedkar Bihar University, Muzaffarpur
6. The Principal, L.N.D. College, Motihari, East Champaran

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 5879 of 2012

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Dilip Kumar Ray @ Dilip Kumar Rai, S/O Late Ramrit Ray, R/O Village-
Kanchewa, P.S. Harisidhi, Distt-East Champaran, Motihari

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department
Bihar, Patna
2. The Secretary, Education Department Bihar, Patna
3. B. R. Ambedkar Bihar University, Muzaffarpur through its Registrar
4. The Vice-Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur
5. The Principal, L.N.D. College, Motihari, East Champaran

.... Respondent/s

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Appearance :

(In CWJC No.7690 of 2012)

For the Petitioner/s : Mr. Abhinav Srivastava, Advocate

Mr. Ujjawal Bhushan, Advocate

For the Respondent/s : Mrs. Sunita Kumari, AC to AAG-13

For the BRA Bihar Univ.: Mr. Priyank Deepak, Advocate

(In CWJC No.5879 of 2012)

For the Petitioner/s : Mr. Abhinav Srivastava, Advocate

For the Respondent/s : Mr. Santosh Chandra Bhaskar, AC to GP-11

For the BRA Bihar Univ.: Mr. Dhrub Mukharjee, Sr. Advocate

Mr. Arabind Nath Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 03-07-2018



Heard learned counsel for the petitioners and the respondents.

2. Earlier the petitioners have approached this Court for a direction to the respondents to count their services from the date of initial appointment with consequential benefits. However, both the writ applications have been withdrawn with liberty to the petitioners to file representation for redressal of the grievance of the petitioners before the University.

3. It appears that the University has not taken decision one way or the other on the representation filed by the petitioners.

4. Mr. Abhinav Srivastava, learned counsel for the petitioners submits that after regularization, the University is required to consider the case of the petitioners for post-retiral benefits on the basis of counting past services.

5. Mr. Dhruv Mukharjee, learned senior counsel for the University, on the other hand submits that once the petitioners have approached the Court and petitioners were allowed to file representation for redressal of their grievance, there is no further cause of action after decision of this Court granting liberty to the petitioners to file representation and as such the present writ applications appear to be misconceived.

6. Without going into the merit of the claim and



counter claim both the writ applications are disposed of with liberty to the petitioners to file fresh representation along with a copy of this order before the University and the University on such representation is required to take final decision, as to the claim of the petitioners for counting past services for grant of pensionary benefits. The University will take appropriate decision on the representation of the petitioners within a period of three months from the date of filing of such representation along with a copy of this order. Liberty shall be available to the petitioners to file documents and the judgment in support of their case including the judgment passed in the case of **Braj Kishore Singh** where the similarly circumstanced non-teaching employees were granted the benefit of counting of past service to persuade the University for grant of notional benefit of continuity of service.

7. With the aforesaid, both the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.07.2018
Transmission Date	

