

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16130 of 2013

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Dr. Shashi Kant Tripathy S/O - Late Ambika Dutt Tripathy R/O Village -
Dumraon, P.S. - Dumraon, Dist. - Buxar, Presently Working As An Ad-Hoc
Lecturer, Department Of English , D.K. College, Dumraon, Dist. - Buxar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Hon'ble Chancellor-Cum-Governor, State Of Bihar
3. The Principal Secretary (Higher Education, Human Resources Development
Department), Govt. Of Bihar, Patna
4. The Principal Secretary, Department Of Finance, Govt. Of Bihar, Patna
5. The Vice-Chancellor, Veer Kunwar Singh University, Ara At Ara
6. The Registrar, Veer Kunwar Singh University Ara At Ara
7. The Principal, D.K. College, Dumraon
8. The Vice-Chancellor, Magadh University, Bodh Gaya
9. The Registrar, Magadh University, Bodh Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Advocate
		Mr. Anil Kumar Tiwary, Advocate
For the University	:	Mr. Arvind Nath Pandey, Advocate
For the State	:	Mr. AC to SC 22

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 29-08-2018

Heard learned counsel for the petitioner and the
counsel appearing on behalf of the respondents.

The grievance of the petitioner in the present writ
application is that he is a teacher in the subject (English) in the
college in question and he is continuing on the post of Lecturer on
ad hoc basis for the last 34 years.

Mr. Purushottam Kumar Jha, learned counsel for the
petitioner submits that petitioner has eligibility for the post in
question, he is continuing for the last 34 years and till date no



regular appointment has been made in the college in question or by way of transfer of any teacher in the subject English and posted in the college in question in place of the petitioner.

Referring to the judgment of the Apex Court in Veer Kunwar Singh University Ad hoc Teachers Association and Others in Civil Appeal No. 1601-1602 of 2004, he submits that in terms of the observation in paragraph 46 of the aforesaid judgment, the petitioner is entitled to continue until regular appointment is made on the post of Lecturer in the college in question in the subject English as the petitioner is working on sanctioned post and hold requisite qualifications and his services indispensable.

Mr. Jha referred to various Annexures to indicate that the petitioner is working on the sanctioned post and he fulfills the requisite qualification for the post of Lecturer (English). He also submits that he is the solitary teacher and therefore, he is indispensable in the college in question in the subject English.

Mr. Jha submits that till date no regular appointment is made and as such petitioner is indispensable and is required to be retained until regular appointment is made in terms of judgment of the Apex Court in Veer Kunwar Singh University Ad hoc Teachers Association and Others particularly, Para 46 of which reads as follows:-



“We, therefore, are of the opinion that the interest of justice would be subserved if it is directed that the respondents herein in filling up of the vacant posts must take into consideration the cases of all those teachers also who have the requisite qualifications, upon relaxation of age, if permissible by law along with other eligible candidates. We may, however, direct that it would be open to the State of Bihar as also the concerned Universities to forthwith terminate the services of those teachers not working against sanctioned posts or who do not fulfill the requisite educational qualifications or whose services are otherwise not required.”

In view of the aforesaid factual position, the writ petition is disposed of with direction to the respondents to allow the petitioner to continue on the post until regular appointment is made on the recommendation of the BPSC/University Service Commission against sanctioned post of the college in question or allowed by the University in terms of decision in Veer Kunwar Singh University Ad hoc Teachers Association (supra). Respondents have to work out entitlement of remuneration in the light of the judgment of the Apex Court in the case of State of Punjab Vs. Jagjit Singh: (2017) 1 SCC 148. Decision in this regard must be taken by the respondents expeditiously.



With the aforesaid the writ petition stands allowed and
disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2018
Transmission Date	

