

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1699 of 2013

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Bauaon Mandal Son Of Late Ramjee Mandal Resident Of Village - Canakpur,
Police Station - Jhanjharpur, District - Madhubani, At Present Working As
Ward Servant, P.G. Hostel No. 1 Under T.M. Bhagalpur University

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department Of Human Resources Development,
Government Of Bihar, Patna
3. The Vice Chancellor, T.M. Bhagalpur University, Bhagalpur
4. The Registrar, T.M. Bhagalpur University, Bhagalpur
5. The Finance Officer, T.M. Bhagalpur University, Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subhash Chandra Jha
For the Respondent/s : Mr. A.Ujjwal

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

10 13-08-2018

1. Heard learned counsel for the petitioner and
counsel appearing on behalf of the State as well as University.

2. Learned counsel for the petitioner submits that the
claim of the petitioner is covered by the decision of this Court in
C.W.J.C. no. 2714 of 2006 and I.P.A. No. 1902 of 2011.

3. Learned counsel appearing on behalf of the
University submits that the case of the petitioner distinguished
on facts. Without going to the controversy whether the case of
the petitioner distinguishable on fact or not, the writ petition is
disposed of with a direction to the University to examine the
claim of the petitioner in the light of Judgment in CWJC No.
2714 of 2006 and L.P.A. no. 1902 of 2011 and on verification of



the record if it transpires that the case of the petitioner is similar to the petitioners of CWJC No.2714 of 2006 and appellant in L.P.A. No. 1844 of 2012, the University shall extend similar benefit to the petitioner. Necessary decision with regard to the claim of the petitioner for payment of arrears of salary must be taken by the respondent for the period from 12.3.1994 to 1.12.2008 within a maximum period of four months from the date of receipt/ production of a copy of this order.

4. On behalf of the University it is submitted that petitioner was appointed against the unsanctioned post whereas the counsel for the petitioner submits 130 posts are available.

5. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

T.Kr./-

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