

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17429 of 2009

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1. Ravi Shanker Prasad Singh “Azad”, S/O Late Kamal Kishore Singh, R/O Village and P.O-Hasna, P.S- Gaighat, Distt- Muzaffarpur
2. Ram Charitara Das, S/O Late Baleshwar Das, R/O Village and P.O- Muktiyarpur, P.S- Bhagwanpur, Distt- Begusarai Petitioner/s
Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Bihar, Patna
3. The Secretary, Higher Education, Human Resources Development, Bihar, Patna
4. The Director, Higher Education, Human Resources Development Department, Bihar, Patna
5. Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur
6. The Vice Chancellor, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur
7. The Principal, Dr. Ram Manohar Lohia Smarak College, Muzaffarpur
.... Respondent/s
- =====

Appearance :

For the Petitioner/s :
For the Respondent/s : Mr. (SC10)
For the University : Mr. Ajay Behari Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
Date: 13-08-2018

No one appears on behalf of the petitioners.

2. This writ application was earlier listed on different dates under the heading for admission, but no one appeared on behalf of the petitioners to assist the Court. In the aforesaid circumstance, the case is listed today under the heading “For Dismissal” to provide one more opportunity to the petitioners to assist the Court, but today also no one appears on behalf of the petitioners.

3. The present writ application has been filed for consideration of the case of the petitioners for regularization in terms of the judgment of the Full Bench of this Court in **Braj Kishore**



Singh Vs. The State of Bihar & Ors., reported in **1997(1) PLJR 509**.

4. From the pleading, it appears that the petitioners were appointed by the Principal of the College as Steno-cum-typist and Clerk on 14.01.1980 and thereafter they claimed that they are regularly working. From the pleading it further appears that letters were written by the respondent University to the State for sanction of post on which the petitioners are working, but no decision was taken by the State for approval of the post under the staffing pattern.

5. The question of deemed sanction of post was considered by the Full Bench of this Court in the case of **Braj Kishore Singh** (supra). Pursuant to the decision of the Full Bench in the case of **Braj Kishore Singh** (Supra), the State Government has formulated the policy for consideration of the case of regularization by issuing letter no. 1820 dated 17.11.1998.

6. From the materials available on record and the fact that there is no counter affidavit filed on behalf of the respondents despite passage of 9 years, the Court is not in a position to decide the present writ application on the basis of pleading. In view of the total reluctance of the respondent, the Court is left with no option, but to dispose of the writ application with a direction to respondent University to forward the case of the petitioners for consideration of



regularization in terms of letter no.1820 dated 17.11.1998 and the State Government is required to take fresh decision in the light of the Full Bench judgment in the case of **Braj Kishore Singh** (supra) and within the parameters of letter no.1820 dated 17.11.1998 and the judgment of the Apex Court in the case of **Amarkant Rai Vs. State of Bihar & Ors**, reported in **(2015) 8 SCC 265** within a maximum period of four months from the date of receipt/production of a copy of this order.

7. In case, the claim of the petitioners is considered favourably and the petitioners are regularized, the petitioners are entitled to consequential benefit. Even otherwise the petitioners are also entitled for payment of salary on the line of the direction issued in the case of **State of Punjab v. Jagjit Singh**, reported in **(2017) 1 SCC 148** for grant of minimum pay scale admissible. Entire exercise for payment of minimum salary must be completed within the time as indicated hereinabove.

8. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.08.2018
Transmission Date	

