

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17535 of 2010

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1. Jagdish Prasad Choudhary S/O Late Braham Narayan Choudhary Presently Working as Reader in the Department of Physics, R.D.S. College, Salmari (Katihar), Distt.- Katihar
 2. Dr. Janardan Prasad Yadav S/O Late Maheshwari Prasad Yadav Presently Working as Reader in the Department Of History, R.D.S. College, Salmari (Katihar), Distt.- Katihar
 3. Dr. Md. Abdul Fazal Azad Alam Ansari S/O Late Md. Shamsul Alam Presently Working as Reaer in the Department Of Urdu, R.D.S.S College, Salmari (Katihar), Distt.- Katihar
 4. Meera Kumari W/O Late Ram Lakhan Poddar Presently working as Reader in the Department of Philosophy, R.D.S.S College, Salmari (Katihar), Distt.- Katihar
 5. Sri Narayan Biswas S/O Late Bishwanath Biswas Presently working as Reader in the Department of Commerce, R.D.S. College, Salmari (Katihar), Distt.- Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary Department of Higher Education, Government of Bihar, Patna
3. The Director, Higher Education Government of Bihar, Patna
4. The Bhupendra Narayan Mandal University Laloo Nagar, Madhepura, through the Vice Chancellor
5. The Vice Chancellor The Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura
6. The Registrar the Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura
7. The Principal R.D.S. College, Salmari (Katihar), District- Katihar

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. S.B.K. Manglam

For the Respondent/s : Mr. (Sc18)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

15 18-09-2018

By an order dated 18.03.2013 passed in a batch of writ petitions i.e. CWJC No. 10032 of 2009 and other analogous cases, this Court, by the consent of the parties in all the cases had referred the matter of the colleges/universities teachers regarding



determination of their qualifying period of service for the purpose of benefit of increment and promotion to the various posts, to One Man Committee headed by Hon'ble Mr. Justice S.N. Jha, a retired Judge of this Court.

The relevant portion of the said order dated 18.03.2013, defining the terms of reference, is reproduced herein below:-

“The term of reference of Justice Jha would be for determining the qualifying period of service of each and every teacher on whom notices have been served or action taken in furtherance to the observation of the High Court in the earlier Orders. It is made clear that no deliberation and exercise would be required to be made on the correctness or otherwise of the appointment or entry into service at the thresh-hold though it will have relevance to the above determination and exercise. The issue of validity of appointments cannot be racked up now after more than two to three decades and there is an inherent presumption with regard to their continuance, taking into consideration the long span of service rendered by them. Justice Jha, however, would be obliged to give a hearing to the petitioners / teachers or their counsels and the university and the State Authorities are also free to assist Justice Jha in resolving an issue which has been pending for many many years due to protracted litigation. The Court leaves it to Justice Jha to make appropriate request or direction for the kind of logistics or support which he requires from the State Government for completing the task being conferred upon him by this Court.”

Now the said One Man Committee headed by Hon'ble Mr. Justice S.N. Jha, a retired Judge of this Court, as also retired Chief Justice of the Jammu & Kashmir and Rajasthan High Court, has submitted his report consisting of orders/judgments passed by him with regard to the various writ petitioners as well as other



employees of the Universities/Colleges.

As far as the present case is concerned, the aforesaid One Man Committee has passed order(s)/judgment which is on record of this case.

This Court by an order dated 05.09.2018 passed in the writ petition i.e. CWJC No. 10032 of 2009 and other analogous cases had granted opportunity to the parties to file their objections, however, no objection has been filed either by the petitioners or by the respondents. The position is same in the present case.

Having regard to the facts and circumstances of the case, the present writ petition is disposed off with a direction to the University to implement the order(s)/judgment passed by the aforesaid One Man Committee in the case of the petitioners herein, except petitioner no. 4, within a period of two months from today.

It is needless to state that the parties would be at liberty to challenge the report of the One Man Committee, by way of a fresh writ petition, in case they are aggrieved by the order(s)/judgment passed by the aforesaid One Man Committee.

It is further directed that in case any interim order is operating in the present case in favour of the petitioners, the same shall remain operative for a period of four weeks from today.



As far as petitioner no. 4 Meera Kumari, is concerned, the learned Committee has held her claim to be not maintainable, as such, the petitioner no. 4 is granted liberty to file fresh writ petition.

(Mohit Kumar Shah, J)

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