

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18899 of 2014

=====

Kumal Kant Jha Son of Late Laxmi Jha Resident of Village - Lalopatti, P.O. - Jayadeopatti, P.S. - Ghanshyampur, District - Darbhanga and employee of Laxmi Narayan Sanskrit Mahavidyalaya Jaideopatti, Darbhanga, a unit of Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Higher Education, Bihar, Patna.
2. The Vice-Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
3. The Secretary of Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
4. The Registrar of Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
5. The Principal of Laxmi Narayan Rameshwar Sanskrit College Jayadeopatti, Darbhanga.
6. The Secretary of Laxmi Narayan Rameshwar Sanskrit College Jayadeopatti, Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Barun Kumar Choudhary, Advocate
For the Respondent/s	:	Mr. P.K. Verma, AAG-3
		Ms. Divya Verma, AC to AAG-3

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 02-11-2018

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

2. The petitioner has filed the present writ petition for a direction to the respondents to consider the case of the petitioner for regularization.

3. The petitioner claims that he was appointed after following the selection process way back on 15.4.1981 and accordingly he joined on 20.4.1981.



4. Learned counsel for the petitioner submits that similarly circumstanced others had approached this Court earlier vide Annexure-5 series and their cases were considered for regularization. He submits that the petitioner has been regularly working for the last 37 years but his service has not been regularized.

5. This writ petition was filed on 07.11.2014 but even after four long years no counter affidavit has been filed either by the State or by the University and as such the Court is constrained to dispose of the writ petition on the basis of the materials available on the record.

6. The respondents State and the University are accordingly directed to take appropriate decision with regard to regularization of the services of the petitioner in the light of the judgment of the Full Bench in the case of ***Braj Kishore Singh v. State of Bihar 1997 (1) BLJR 652 : 1997 (1) P.L.J.R. 509*** and the judgment of the Apex Court in the case of ***Secretary, State of Karnatka Vs. Uma Devi: (2006) 4 SCC 1*** as also in the case of ***State of Karnatka & Ors. Vs. M.L. Keshari (2010) 9 SCC 247*** and in the case of ***Amarkant Rai vs. State Of Bihar & Ors : (2015) 8 SCC 265***. Respondents are directed to take appropriate decision with regard to the regularization of the petitioner's services at the



earliest as the petitioner claims that he was appointed in 1981 and has completed 37 years of service. Necessary decision with regard to regularization must be taken by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order.

7. It is needless to state here that the petitioner would be entitled to all the consequential benefits in the event it is found that the petitioner was appointed after selection process and has regularly worked for 37 years as claimed by him.

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

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.11.2018
Transmission Date	

