

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.25659 of 2013**

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Yadubir Jha S/O Late Bishwanath Jha Resident Of Village- Kamalpur, P.S-  
Kunauli, Bazar, District- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Bhupendra Narayan Mandal University Laloo Nagar Madhepura Through  
Its Registrar.
3. The Vice Chancellor, B.N. Mandal University, Laloo Nagar, Madhepura.
4. The Registrar, B.N. Mandal University, Laloo Nagar, Madhepura.
5. Lalit Narayan Mithila University Darbhanga Through Its Registrar.
6. The Vice Chancellor, L.N.M.U. Darbhanga.
7. The Registrar, L.N.M.U., Darbhanga.
8. The Principal Lalit Narayan Smarak College, Birpur, District- Supaul.

... .. Respondent/s

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**Appearance :**

|                      |   |                                    |
|----------------------|---|------------------------------------|
| For the Petitioner/s | : | Mr.                                |
| For the Resp. 2 to 4 | : | Mr. Shashi Bhushan Singh, Advocate |
| For Resp. 5 & 6      | : | Ms. Binita Singh, Advocate         |
| For Resp. No. 1      | : | Mr. AC to SC 27                    |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL JUDGMENT**

**Date : 05-11-2018**

The petitioner has filed the present writ petition after  
attaining the age of superannuation with a prayer to regularize the  
services of the petitioner.

Mr. Shashi Bhushan Singh, learned counsel for the  
respondents submits that the issue of regularization after  
superannuation is thoroughly misconceived.

Considering the fact that the petitioner was appointed by  
the Governing Body on 18.7.1980 and for the first time he  
approached this Court by way of filing the CWJC No. 14379 of  
2010 after 30 years. CWJC No. 14379 of 2010 was disposed of by



order dated 3.1.2012, Annexure-12 with a direction to the University to take final decision in respect of the regularization and the University has passed order rejecting the claim of the petitioner for regularization in the light of the judgment of the Constitution Bench in the case of *Secretary, State of Karnataka & Ors. Vs. Umadei & Ors.*, (2006) 4 SCC 1 no indulgence is warranted.

It is noted here that from perusal of the order, Annexure-13 the Court does not find any infirmity warranting interference as it is manifest that the appointment was made without post in the College and in the absence of post, the question of regularization as one time measure in terms of the judgment in the case of *Secretary, State of Karnataka & Ors. Vs. Umadei & Ors.*, (2006) 4 SCC 1 is not permissible.

Considering the reasons assigned in the order dated 24.1.2013, Annexure-13, the Court does not find it a fit case for grant of indulgence. The writ petition is accordingly dismissed.

**(Anil Kumar Upadhyay, J)**

spandey/-

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| AFR/NAFR          | NAFR       |
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