

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2231 of 2010

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Sriniwas Prasad Singh S/O Late Balmiki Prasad Singh R/O Prabha Niwas,
Saroday Nagar Begusarai, P.S.- Begusarai, Distt.- Begusarai, Presently
Posted As Reader And Head Of The Deptt. Of Chemistry, R.C.S. College,
Manjhaul, A Constituent Unit Of L.N.Mithila University, Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary Higher Education Deptt., Govt. Of Bihar, Patna
3. The Vice Chancellor Null Lalit Narayan Mithila University, Darbhanga
4. The Registrar Null Lalit Narayan Mithila University, Darbhanga
5. The Finance Officer Lalit Narayan Mithila University, Darbhanga
6. The Principal R.C.S. College, Manjhaul, Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh
Mr. Krishna Murari Pd.

For the Respondent/s : Mr. (Aag4)
Mr. Partha Sarthy
Mr. Pushkar Narain Shahi

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

14 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.

The learned counsel for the petitioner submits that the petitioner has filed a fresh writ petition bearing C.W.J.C. No. 8507 of 2016, hence, the petitioner does not want to press the present



writ application.

In view of the aforesaid, the present writ application is disposed off as withdrawn. However, it is made clear that withdrawal of the present writ petition would not affect the right of the petitioner in the fresh writ petition, filed by the petitioner herein.

(Mohit Kumar Shah, J)

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