

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1404 of 2010

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1. Dr. Ramesh Jha S/O Late Pt. Hari Krishna Jha R/O 4d, Adarsh Nagar, Samastipur, P.S.- Samastipur, Distt.- Samastipur, Presently Posted As Reader In The Subject Of Sanskrit In B.R.B. College, Samastipur
 2. Dr. Anand Kumar Singh S/O Late Prabhu Narayan Singh R/O Ram Khelawan Colony, Pokharia, P.S.- Begusarai, Distt.- Begusarai, Presently Posted As Reader In The Subject Of English In Co-Operative College, Begusarai
 3. Dr. Kailesh Sharma S/O Late Sita Ram Singh R/O Vill.- Marachi, P.S.- Hathidah, Distt.- Patna, Presently Posted As Reader In The Subject Of History In Co-Operative College, Begusarai

... .. Petitioner/S

Versus

1. The State Of Bihar
2. The Director, Higher Education Govt. Of Bihar, Patna
3. The Vice-Chancellor Lalit Narayan Mithila University, Darbhanga
4. The Registrar Lalit Narayan Mithila University, Darbhanga
5. The Finance Officer Lalit Narayan Mithila University, Darbhanga
6. The Principal B.R.B. College, Samastipur
7. The Principal R.N.A.R. College, Samastipur
8. The Principal Co-Operative College, Begusarai

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh
For the Respondent/s : Mr. G.P.-8

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

9 11-09-2018

The learned counsel for the petitioners submits that as far as the petitioner no. 1 is concerned, he has been promoted to the post of University Professor hence, his case may be disposed of as not pressed.

Accordingly, the writ petition on behalf of petitioner no. 1 is disposed of as not pressed.

As far as the petitioner no. 2 and 3 are concerned, the present writ petition has been filed for quashing the letter dated



31.03.2009, by which the date of initial appointment of the petitioners has been shifted by two years instead of taking the date of sanction of the post as the relevant date for all purposes.

It is submitted by the learned counsel for the petitioners that prior to passing of the impugned order dated 31.03.2009, no show cause notice was issued to the petitioners so that the petitioner no. 2 and 3 may raise their grievances before the authority.

The learned counsel appearing for the respondents University submits that the impugned order has been passed before issuing of show cause notice, hence, it would be appropriate to consider the matter afresh.

In view of the aforesaid the present writ petition is allowed and the impugned order dated 31.03.2009 is quashed. It goes without saying that the respondent University shall issue show cause to the petitioner no. 2 and 3 the petitioner no. 2 and 3 shall submit their reply, whereafter, the University authority would decide the case of the said petitioners afresh, considering the fact that 28 other similarly situated persons have been deemed to have been appointed from the date of sanction of the post.



Thus, the writ petition stands allowed.

(Mohit Kumar Shah, J)

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