

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10862 of 2010

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1. Dr. Lokesh Chandra Prasad, S/O Sri Ram Chandra Prasad, University Department Of Chemistry, Tilka Manjhi Bhagalpur University, Bhagalpur.
 2. Dr. Banshi Dhar Pandey, S/O Late Jagdish Pandey, University Department Of Chemistry, Tilka Manjhi Bhagalpur University, Bhagalpur.
 3. Dr. Era Ghoshal, D/O Late Dinabandhu Ghoshal, University Department Of Bengali, Tilka Manjhi Bhagalpur University, Bhagalpur.
 4. Dr. Birendra Kumar, S/O Late H.N. Rai, Head Of The Department, Geography, T.N.B. College, Bhagalpur, Tilka Manjhi Bhagalpur University, Bhagalpur.
 5. Dr. Jyotindra Choudhary, S/O Late Mukhdeo Choudhary, Head Of The Department, Chemistry, T.N.B. College, Bhagalpur, Tilka Manjhi Bhagalpur University, Bhagalpur.
 6. Dr. Lakshmishwar Jha, S/O Mr. Dev Narayan Jha, Head Of The Department, Sanskrit, T.N.B. College, Bhagalpur, Tilka Manjhi Bhagalpur University, Bhagalpur.
 7. Dr. Ashok Kumar, S/O Late Sita Ram Sah, University Department Of Commerce & Business Administration, Tilka Manjhi Bhagalpur University, Bhagalpur.
 8. Dr. B.P. Singh, S/O Late K.P. Singh, University Department Of Commerce & Business Administration, Tilka Manjhi Bhagalpur University, Bhagalpur.
 9. Dr. Mrs. Prem Lata Singh, D/O Sri P.N. Singh, Under Department Of Botany, S.M. College, Bhagalpur, Tilka Manjhi Bhagalpur University, Bhagalpur.
 10. Dr. Biroj Kumar Sarkhel, S/O U.P. Sarkhel, University Department Of Chemistry, Tilka Manjhi Bhagalpur University, Bhagalpur.
 11. Dr. Md. Faiz Ahmad, S/O Late Ali Ahmad Ansari, University Department Of Chemistry, Tilka Manjhi Bhagalpur University, Bhagalpur.
 12. Dr. Ajit Kumar Sinha, S/O Late Baleshwar Prasad, University Department Of Economics, Tilka Manjhi Bhagalpur University, Bhagalpur.
 13. Dr. Durgesh Nandan Jha, S/O Late Dr. A.P. Jha, Head Department Of Physics, T.N.B. College, Bhagalpur, Tilka Manjhi Bhagalpur University, Bhagalpur.
 14. Dr. Jaishankar Jha, S/O Late Dhananjay Jha, Head University Department Of Mathematics, Tilka Manjhi Bhagalpur University, Bhagalpur.
 15. Dr. Lal Bahadur Singh, S/O Late R.N. Singh, University Department Of Psychology, Tilka Manjhi Bhagalpur University, Bhagalpur.
 16. Dr. Arvind Kumar Tiwari, S/O Late G.N. Tiwari, University Department Of Economics, Tilka Manjhi Bhagalpur University, Bhagalpur.
 17. Dr. Rama Shankar Tiwari, S/O Late Sheo Kumar Tiwari, Head Of The University Department History, Tilka Manjhi Bhagalpur University, Bhagalpur.
 18. Dr. Lila Dhar Shah, S/O Late Richh Pal Sah, Retd. Head , Department



- Of Commerce, Marwari College, Bhagalpur, Tilka Manjhi Bhagalpur University, Bhagalpur.
19. Dr. Mrs. Neelambari Mishra, D/O Late D.P. Mishra, Head Department Of Philosophy, B.R.M. College, Munger, Tilka Manjhi Bhagalpur University, Bhagalpur.
 20. Dr. Lala Nigam Prasad, S/O Late Swami Das, Under Department Of Commerce, R.D. & D.J. College, Munger, Tilka Manjhi Bhagalpur University, Bhagalpur.
 21. Dr. Mansoor Ahmad Neyazi, S/O Late H.A. Neyazi, Head Of The Department, Chemistry, B.R.M., College, Munger, Tilka Manjhi Bhagalpur University, Bhagalpur.
 22. Dr. Arun Kumar Singh, S/O Late Kanchan Singh, University Department Of Botany, Tilka Manjhi Bhagalpur University, Bhagalpur.
 23. Sr. Awadh Kishore Roy, S/O Late Swarup Roy, University Department Of Botany, Tilka Manjhi Bhagalpur University, Bhagalpur.
 24. Dr. Leela Chand Saha, S/O Late Dular Chand Sah, University Department Of Botany, Tilka Manjhi Bhagalpur University, Bhagalpur.
 25. Dr. Birendra Kumar Singh, S/O Late N.P. Singh, University Department Of Botany, Tilka Manjhi Bhagalpur University, Bhagalpur.
 26. Dr. Sunil Kumar Choudhary, S/O Sahdeo Choudhary, University Department Of Botany, Tilka Manjhi Bhagalpur University, Bhagalpur.
 27. Dr. Vijoy Kumar, S/O Dr. H.Rai, University Department Of Political Science, Tilka Manjhi Bhagalpur University, Bhagalpur.
 28. Dr. Krishna Nand Kumar, S/O Late Shuresh Chandra Kumar, University Department Of Physics, Tilka Manjhi Bhagalpur University, Bhagalpur.
 29. Dr. Naresh Jha, S/O Late Brajvir Jha, Retd. Department Of Economics, Tilka Manjhi Bhagalpur University, Bhagalpur.
 30. Dr. Madhulika Sinha, D/O Bikash Chandra Sinha, Head Of The Department, Psychology, T.N.B. College, Bhagalpur, Tilka Manjhi Bhagalpur University, Bhagalpur.
 31. Dr. Amita Moitra, D/O Late Dr. L.M. Moitra, University Department Of Zoology, Tilka Manjhi Bhagalpur University, Bhagalpur.
 32. Dr. Surendra Prasad, S/O Late Satyanarayan Poddar, Retd. Department Of Commerce, Marwari College, Bhagalpur, Tilka Manjhi Bhagalpur University, Bhagalpur.
 33. Dr. Mrs. Milli Ganguli, D/O Mr. P.K. Chatterji, Retd. Department Of Mathematics, S.M. College, Bhagalpur, Tilka Manjhi Bhagalpur University, Bhagalpur.
 34. Dr. Smt. Poonam Rani, D/O Dr. Shiva Chandra Pratap Narayan, Head Of The Department, Philosophy, Tilka Manjhi Bhagalpur University, Bhagalpur.
 35. Dr. Binodanand Thakur, S/O Late K.N. Thakur, University Department Of Sociology, Tilka Manjhi Bhagalpur University, Bhagalpur.
 36. Dr. Nripendra Prasad Verma, S/O Late Bhubneshwar Prasad, University Department Of Hindi, Tilka Manjhi Bhagalpur University, Bhagalpur.
 37. Dr. Shyam Deo Bhagat, S/O Late Banarasi Bhagat, Head, Department Of Hindi, Tilka Manjhi Bhagalpur University, Bhagalpur.
 38. Dr. Kishore Kumar Singh, S/O Late G.P. Singh, University Department Of Zoology, Tilka Manjhi Bhagalpur University, Bhagalpur.
 39. Dr. Rashmi Prakash, D/O Late K.P. Sinha, University Department Of Geography, Tilka Manjhi Bhagalpur University, Bhagalpur.
 40. Dr. Yamuna Prasad Yadav, S/O Late Hari Prasad Yadav, Retd. Head ,



University Department Of Mathematics, Tilka Manjhi Bhagalpur University, Bhagalpur.

41. Dr. (Smt.) Rita Kumari, D/O Late C.D. Tiwari, Head, Department Of Political Science, S.M. College, Bhagalpur, Tilka Manjhi Bhagalpur University, Bhagalpur.
42. Mr. Dhananjai Prasad Singh, S/O Late B.P. Singh, Head, Department Of Mathematics, R.D. & D.J. College, Munger, Tilka Manjhi Bhagalpur University, Bhagalpur.
43. Dr. Nand Kumar Yadav 'Indu', S/O Late Gangadhar Yadav, University Department Of Chemistry, Tilka Manjhi Bhagalpur University, Bhagalpur Presently Pro-Vice Chancellor, B.R.A. Bihar University, Muzaffarpur.

.... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Human Resources Development, Govt. Of Bihar, Patna.
2. The Principal Secretary, Department Of Human Resources Development, Govt. of Bihar, Patna.
3. The Secretary, Department of Human Resources Development, Govt. Of Bihar, Patna.
4. The Tilka Manjhi Bhagalpur University, Bhagalpur through its Registrar.
5. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur
6. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur
7. The Chancellor, Universities of Bihar, Raj Bhavan, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra
Mr. Vijay Kumar 'Mukul'
Mr. Jyoti Prabhakar

For the Respondent/s : Mr. (Sc3)
Mr. Shivendra Kishore
Mr. Ashok Kumar Keshari

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

9 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 petitioner no. 12 Dr. Ajit Kumar Sinha, is concerned, the petitioner had appeared in person before the learned Committee and had sought to withdraw the claim petition, hence nothing survives as far as the present writ petition is concerned, thus the present petition qua the petitioner no. 12, is dismissed.

As far as the petitioner no. 16 Dr. Arvind Kumar Tiwari is concerned, the learned counsel appearing for the said petitioner before the learned Committee, had not pressed the claim petition, hence the same was dismissed as not pressed. The learned counsel for the petitioner no. 16 submits that the petitioner had moved an application for recall of the said order, whereby and where under the learned Committee had dismissed his claim as not pressed, however, the learned Committee refused to recall the order. The learned counsel seeks liberty on behalf of the petitioner to take recourse to such remedies as are available under the law. Accordingly, the present writ petition qua the petitioner no. 16 is disposed off as withdrawn with the aforesaid liberty.

Now, coming to the case of petitioner no. 27 Dr. Vijoy Kumar, the said petitioner had appeared in person before the learned Committee and withdrawn his claim petition, hence nothing survives for consideration, thus the present writ petition is dismissed qua the petitioner no. 27.



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 qua the other petitioners except the petitioner nos. 12, 16 and 27 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 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.

The writ petition qua the other petitioners except the petitioner nos. 12, 16 and 27 is disposed off with the aforesaid directions and liberty.

(Mohit Kumar Shah, J)

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