

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2493 of 2013

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Venktesh Pd. Singh, son of Late Ram Janam Singh, resident of Mohalla-Mungeriganj, P.S.- Begusarai, District- Begusarai, retired as University Professor and Head of the Department Hindi from G.D. College Begusarai, a constituent unit of L.N. Mithila University Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Higher Education, Government of Bihar, New Secretariat, Patna
3. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga
4. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Principal, G.D. College Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh
For the Respondent/s	:	Mr. Kaushal Kr. Jha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

7 24-07-2018 Interlocutory Application No. 3079 of 2016 has been filed for substitution of the legal heirs of Venktesh Prasad Singh who has died on 11.06.2015. Heirs names are disclosed in para 4 of the said interlocutory application may be directed to be substituted in place of original petitioner Venktesh Prasad Singh.

The interlocutory application is accordingly allowed.

The wife Shanti Singh, sons Navin Kumar Singh, Manoj Kumar Singh, Prashant Kumar Singh and Niraj Kumar Singh are substituted as petitioners in place of original petitioner Venktesh



Prasad Singh as petitioner nos. 1 to 5.

Heard the learned counsel for the petitioners and learned counsel appearing on behalf of the State as well as University. The petitioners are aggrieved by the action of the University. The status of the petitioner was reduce after 19 years of retirement. The issue raised in the writ application was in fact earlier decided by the court in the case of Neelam Verma, Annexure-10 where the case of Neelam Verma was examined in terms of Section 58(10) of the Bihar State University Act. The Court held that amendment in the Act is prospective in nature and will not nullify the promotion granted prior to coming into force the provision of Section 58(10). The original petitioner was granted promotion as professor in the year 1988. He superannuated in the year 1993 and after superannuation the respondents have taken decision regarding reducing the status of the petitioner.

In view of the judgment contained in Annexure-10 the amended provision of Section 58(10) will not apply and as such, respondent cannot nullify the promotion granted to the petitioner. The decision taken after 14 years of retirement and after 19 years of grant promotion is unsustainable. It is now well settled the respondents university has no power to reduce



the status of the original petitioner after his superannuation as master and servant relation came to an end on superannuation of the original petitioner.

Considering the aforesaid facts and circumstances writ application is allowed. The respondent university is directed to restore the status of professor to the original petitioner and grant consequential benefit to the substituted petitioners treating the original petitioner retired as professor. The university is also directed to work out the entitlement of the substituted petitioners for payment of pensionary benefit treating the original petitioners as retired professor. The entire exercise in this regard must be completed within four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J.)

Rajiv/-

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