

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12452 of 2010

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1. Ashok Kumar Srivastava S/O Late B.P.Srivastava Department of Chemistry, Bhim Rao Ambedkar Bihar University, Muzaffarpur
 2. Byas Mishra S/O Sri Dharamdeo Mishra Department of Chemistry, R.D.S. College, Muzaffarpur
 3. Harishankar Prasad Singh S/O Late Vakil Singh Reader in Chemistry, R.N. College, Hazipur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Human Resources and Development Department (Higher Education) Govt. Of Bihar, New Secretariat, Patna
3. The Secretary Human Resources and Development Department Higher Education Department, Govt. Of Bihar, New Secretariat, Bihar, Patna
4. B.R.A. Bihar University through its Registrar, Muzaffarpur
5. V.C., B.R.A. Bihar University, Muzaffarpur
6. Registrar, B.R.A. Bihar University, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Birendra Narayan Sharma
For the Respondent/s : Mr. (Gp13)

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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.

As far as the present case is concerned, the aforesaid One Man Committee has passed order(s)/judgment which is on record of this case.

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 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 is disposed off with the aforesaid directions and liberty.

(Mohit Kumar Shah, J)

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