

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8464 of 2008

=====

Jamuni Lal College, Hajipur Teaching and Non-Teaching Staff Association through its Secretary, Krishna Dev Thakur, son of late Ram Sundar Thakur, resident of Chabranya, P.O- Izra, Hajipur Sadar, District- Vaishali, at present working as Clerk in the said college, the convenor.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Principal Secretary, Human Resources Development Department, Vikash Bhawan, Patna.
2. The Director, Higher Education, Human Resources Development Department, Vikash Bhawan, Patna.
3. The Vice-Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzafarpur.
4. The Registrar, Baba Saheb Bhim Rao Ambedkar University, Muzafarpur.
5. The Principal, Jamuni Lal College, Hajipur, District- Vaishali.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. Kinkar Kumar, SC 9
Mr. Yogesh Kumar, AC to SC-9

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 05-10-2018

The present writ application has been filed on behalf of the Jamuni Lal College, Hajipur Teaching and Non-teaching Staff Association (hereinafter referred to as the 'Association') on 22.05.2008. The matter was listed earlier for hearing but no one has appeared on behalf of the petitioner-Association to assist the Court. In order to facilitate the counsel for the petitioner to assist the court, today, the case has been listed under the heading for dismissal but unfortunately today also no one has appeared to assist the court. Under the compelling circumstances, the Court is constrained to decide the writ



application on the basis of material available on the record.

2. The petitioner has approached this Court for a direction to the respondents to regularise the services of the members of the petitioner-Association, teaching and non-teaching staffs, working in the constituent colleges of the University.

3. So far regularisation of teaching staffs is concerned, after the judgment of the Apex Court in the case of *Veer Kunwar Singh University Adhoc Teachers Association & Ors. v. Bihar State University (C.C.) Service Commission & Ors.* reported as **(2009) 17 SCC 184**, no indulgence can be granted to the teachers for grant of regularisation in service.

4. So far as non-teaching staffs are concerned, regularisation is only permissible within the parameters of the judgment of the Full-Bench of this Court in the case of *Braj Kishore Singh & Ors. v. State of Bihar & Ors.* reported as **1997(1)PLJR 509** and the scheme formulated by the State Government, contained in Letter No. 1820 dated 17.11.1988, which is only permissible to the strength of staffing pattern.

5. On behalf of the State, a counter affidavit has been filed in which a stand has been taken that the matter pertains to



the University, which is competent to take appropriate decision with regard to grievance of the petitioner-Association. Unfortunately, in the instant case, no counter affidavit has been filed on behalf of the University. In the aforesaid circumstances, the Court is not in a position to grant any coercive direction in favour of the petitioner-Association.

6. As indicated above, regularisation is not a mode of appointment. So far as teaching staffs are concerned, in view of the judgment of Apex Court in the case of ***Veer Kunwar Singh University Adhoc Teachers Association*** (supra) and in the absence of appropriate pleading in the case, the Court is not in a position to issue any specific direction to the University for consideration of the case of the non-teaching employees in terms of the judgment of the Apex Court. In the event, if appropriate materials are placed by the petitioner-Association before the University, it will consider their case and forward the same for appropriate decision to be taken by the State Government, in terms of the judgment of the Full-Bench in ***Braj Kishore Singh's*** case and Letter No. 1820 dated 17.11.1988, if not already forwarded, within a maximum period of two months from the date of receipt/production of a copy of this order and thereafter the State Government will do the



needful and pass appropriate order on the claim of the petitioner-Association for grant of regularisation of services within the parameters of Letter No. 1820 dated 17.11.1988, within a maximum period of four months from the date of receipt of such recommendation by the University.

7. With the aforesaid, the writ application stands dismissed.

(Anil Kumar Upadhyay, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

