

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19240 of 2010

- =====
1. Dr. Chandra Shekhar Pandey S/O Late Keshava Prasad Pandey R/O Moh.- Karma Road, P.O.+P.S.+Distt.- Aurangabad (Bihar), Presently Posted as Reader in Department of Chemistry, S. Sinha College, Aurangabad under Magadh University, Bodh Gaya
 2. Ajeet Kumar Singh S/O Late Janeshwar Prasad Singh R/O New Area, Ramesh Chawkm P.O.+P.S.+Distt.- Aurangabad, Presently Posted as Reader in the Department of Zoology at S. Sinha College, Aurangabad (Bihar) Under Magadh University, Bodh Gaya
 3. Srimati Nirmala Singh W/O Late Krishna Kumar Singh R/O Moh.- Gayanpuri (Shivajee Path), Naga Bigh Road, P.O.+P.S.+Distt.- Aurangabad (Bihar), Presently Posted as Reader, Department of History, S. Sinha College, Aurangabad (Bihar) Under Magadh University, Bodh Gaya

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary Govt. of Bihar, Old Secretariat, Patna
2. The Secretary-cum-Commissioner Higher Education, Human Resources Department, Govt. of Bihar, New Secretariat, Patna
3. Magadh University, Bodh Gaya through the Vice Chancellor and Registrar Magadh University, Bodh Gaya, Gaya
4. Vice Chancellor and Registrar Magadh University, Bodh Gaya, Gaya
5. Registrar Magadh University, Bodh Gaya, Gaya
6. Finance Officer Magadh University, Bodh Gaya, Gaya

.... Respondent/s

=====

Appearance:

For the Petitioner/s : Mr. Akhilesh Kumar Sinha
For the Respondent/s : Mr. (Gp17)

=====

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.



This Court has perused the order passed in the case of the petitioner no. 1 by the learned Commission dated 23.12.2015, wherein it has been recorded that the petitioner had appeared in person and has sought to withdraw the petition. Hence the claim petition of the petitioner no. 1 was disposed of as withdrawn. As far as petitioner nos. 2 & 3 are concerned, nobody has appeared before this Court to press their claims.

In view of the aforesaid, nothing survives in the present writ petition. Accordingly, the present writ petition is dismissed.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

