

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9119 of 2011

=====

Dina Singh Son Of Late Naurangh Singh Resident Of Village - Jasaiya, P.S. -
Aurangabad, District - Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Seretary, Department Of Human Resources Development
Government Of Bihar, Patna
3. The Secretary, Department Of Human Resources Development Government
Of Bihar, Patna
4. The Director, Higher Education Government Of Bihar, Patna
5. The Magadh University Bodh Gaya Through Its Vice- Chancellor
6. The Vice-Chancellor Magadh University, Bodh Gaya, District - Gaya
7. The Registrar Magadh University, Bodh Gaya, District - Gaya
8. The Finance Officer, Magadh University, Bodh Gaya, District - Gaya
9. The Principal, T.P.S. College, Patna

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Advocate
For the State	:	Mr. Manish Kumar, AC to AAG-6
For University	:	Mr. Priyank Deepak, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 06-09-2018

Heard learned counsel for the petitioner, State as well
as the University.

2. The issue involved in this case has already been
decided by the Apex Court in the case of **Durga Prasad Singh &
Ors. Vs. The State of Bihar & Ors.: Civil Appeal No(s) 6178-
6181 of 2015.** The order dated 27.02.2017 passed by the Apex
Court is quoted below for ready reference:-

“We have heard learned counsel for the parties
at great length.



These appeals arise out of challenge to the Bihar State Universities (Amendment and Validation) Act, 2012 (Bihar Act 22 of 2012) which has been upheld by the High Court by the impugned order. We do not find any ground to interfere with the view taken by the High Court in upholding the said Act.

We however make it clear that the present status, rank and pay of the appellants will not be disturbed. If any lab assistant has been given designation of demonstrator, which he continues to hold till date, it will not be withdrawn. They will not be entitled to any further benefits in conflict with the impugned Act.

In view of above, the appeals are disposed of. No costs.

Pending applications, if any, shall also stand disposed of.”

3. In view of the above decision of the Apex Court, the respondent-University is directed to examine the case of the petitioner and take final decision in accordance with the order passed by the Apex Court in the case of **Dura Prasad Singh** (supra) within a maximum period of four months from the date of receipt/production of a copy of this order. While taking final decision, the University is required to consider their own decision (office order dated 3.7.2018) with regard to grant of pay scale to the petitioner.



4. With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.09.2018
Transmission Date	

