

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 478 of 2007

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Dr. Bibhuti Nath Jha, Son of Late Jagdish Jha, resident of Village- Sanha, District- Begusarai, at present working as Lecturer, Department of Economic, Maharaja Lakshmeshwar Singh Memorial College, Darbhanga, District- Darbhanga.

.... Petitioner/s

Versus

1. The Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga, District- Darbhanga.
2. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
3. The Registrar, Lalit Narayan Mithila University, Rameshwar Nagar, Darbhanga.
4. The State of Bihar, through the Director Higher Education, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha,
Mr. Krishna Kumar and
Mr. Pranav Kumar Jha, Advocates

For the University : Mr. Ajay Bihari Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 13-02-2018

Heard learned counsel for the petitioner and L.N. Mithila
University.

2. The petitioner has moved the Court for the following
reliefs:

“ That this writ application is being filed for issuance of an appropriate writ/writs, order or orders in the nature of mandamus for directing and commanding the respondents to consider the case of the petitioner for absorption by modifying the notification bearing Memo No. 2707-2834/05 dated 28.02.2005 as contained in Annexure-8 to this writ application to the extent that the petitioner absorption on the post of Lecturer in the department of Economic at Maharaja Lakshmeshwar Singh Memorial College, Darbhanga be treated with effect from 20.03.83, the date of joining on the post of Lecturer as the petitioner was eligible for the post,



instead of 1990 as has been shown in the aforesaid notification contrary to the observation made by the Hon'ble Supreme Court in a case bearing Civil Appeal No. 6098/97 disposed of on 12.10.2004 for the ends of justice and further for any other appropriate relief/reliefs for which the petitioner is entitled in the facts and circumstances of the case."

3. In effect, the petitioner wants that the year 1990 from which his service has been absorbed by the L.N. Mithila University be shifted back to the year 1983. For this, he has relied upon a decision of the Academic Council of the year 1967 that the Master's degree possessed by the petitioner shall be treated as equivalent for the purpose of appointment of teachers in the various Departments.

4. Learned counsel for the L.N. Mithila University submitted that the prayer is misconceived, for the reason, that the decision of the Academic Council of the year 1967, is no more relevant to the issue today as the petitioner's service was regularized with effect from 1990 only on the basis of recommendation of the Justice Agrawal Commission, which has been accepted by the Hon'ble Supreme Court in its final order dated 12.10.2004 in the case of **State of Bihar v. Bihar Rajya M.S.E.S.K.K. Mahasangh** reported as **2005 (1) PLJR (SC) 464**. It was submitted that of the recommendations of the Justice Agrawal Commission were accepted by the Hon'ble Supreme Court and, thus, the matters have attained finality and only with regard to those not recommended, a window



had been left open for being considered by the Universities concerned based on the findings of the report of the Justice Agrawal Commission. It was submitted that in terms thereof, as per the recommendation itself, the petitioner's service was absorbed from the year 1990 and thus, no interference can be made by any authority, at this stage.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any merit in the present writ application. As has rightly been submitted by learned counsel for the L.N. Mithila University, as far as the petitioner is concerned, the matter has attained finality by the aforesaid order of the Hon'ble Supreme Court, which has accepted the recommendation of Justice Agrawal Commission and in terms thereof, as per the recommendation itself, his service has been regularized /absorbed with effect from 1990. Once the same has been done, it cannot be interfered with, much less by this Court.

6. Accordingly, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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