

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2457 of 2015

In

Civil Writ Jurisdiction Case No. 13506 of 2008

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Shambhu Kumar Mehta, son of late Siyaram Mahto, resident of village-Shinghaul, Ward No.1, P.S.-Mufasil, District-Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Khalid Mirza, the Director, Higher Education, Govt. of Bihar, New Secretariat, Patna.
3. Sri Saket Kushwaha, presently posted as Vice-Chancellor, L.N.M. University, Darbhanga.
4. Sri Ajit Kumar Singh, presently posted as Registrar, L.N.M. University, Darbhanga.
5. Sri Tapan Kumar Shandilya, presently posted as Principal, G.D. College, Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Adv.
Mr. Gyan Abhinav, Adv.

For the University : Mr. Ajay Behari Sinha, Adv.
Mr. Upendra Kumar Singh, Adv.

For the State : Mr. Rakesh Kumar Shrivastava, AC to GP-15

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 20-08-2018

Heard learned counsel for the parties.

Learned counsel for the State has drawn the attention of this Court towards Annexure-A, B and C to the show cause filed on behalf of the Registrar, L. N. Mithila University (O.P. no.4) which show that in terms of the order of this Court the petitioner was called upon with all relevant documents in support of his claim, but he has not appeared and even the Principal of the College has submitted a report that there is no proof of issuance of any appointment letter in the Establishment



Section of the College to the petitioner. It is the stand of the University that the petitioner was never issued any appointment letter even as a daily wager rather he was engaged time to time for the purpose of book binding and other works like that.

The stand of the University, as disclosed in the show cause, has been vehemently contested by learned counsel representing the petitioner. It is submitted that the Principal of the College had earlier issued a letter showing that the petitioner was working in the College as daily wager and based on which the learned Writ Court had directed the University to examine the claim of the petitioner which has not been done.

After having heard learned counsel for the parties and on perusal of the record, this Court finds that taking note of the submissions of the petitioner the learned Writ Court had disposed off the writ application with a direction to the University to consider the case of the petitioner, as one time measure, for his regularization or otherwise in terms of the direction of the Apex Court in the light of the judgments rendered in the case of Secretary, State of Karnataka Vs. Uma Devi (3) reported in (2006) 4 SCC 1 and in the case of State of Karnataka & Ors. Vs. M.L. Kesari & Ors. reported in (2010) 9 SCC 247. Now that the University has come out with Annexure-A, B and C out of which



Annexure-C is again a letter of the Principal of the College which negate the claim of the petitioner, it cannot be said that the University has willfully disobeyed the order of this Court.

In the opinion of this Court, the contempt application cannot proceed now. The petitioner, if so advised, may seek his remedy before an appropriate court/authority in accordance with law where he can prove his claim and get the relief.

The application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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