

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15943 of 2014

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Lalit Kumar son of Late Hari Prasad Yadav resident of village - Sahugardh
Panchayat No.01, Tola Dulahram, P.O. Divani Tola, P.S. and District –
Madhepura Petitioner/s

Versus

1. The State of Bihar, the Secretary Department of Social Welfare Govt. of Bihar, Patna
 2. The Director Schedule Caste, Pre - Examination training Center, B.N. Mandal University, Laloo Nagar, Madhepura
 3. Proctor cum Head of the Department University Department of English, B.N. Mandal University, Laloo Nagar, Madhepura
 4. The B.N. Mandal University, Laloo Nagar, Madhepura through its Registrar
 5. The Vice Chancellor, B.N. Mandal University, Laloo Nagar, Madhepura
 6. The Registrar, B.N. Mandal University, Laloo Nagar, Madhepura
- Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bam Bahadur Jha, Advocate
For the Respondent/s	:	Mr. Amresh, AC to GP-13
For the University	:	Mr. Raju Giri, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date : 02-11-2018

Heard learned counsel for the petitioner and the counsel
appearing on behalf of the State as well as University.

2. Petitioner has filed the present writ application for a direction to the respondents to consider the case of the petitioner for regularization. The petitioner claims that he was appointed as Typist on daily wage since 1993 and regularly working for nearly 24 years. He submits that due to indecisiveness of the University, the petitioner is hanging in balance after rendering valuable service for 24 years. He is still standing on the cross road as respondents are taking work but not paying salary.

3. Considering the fact that this matter is pending since 16.9.2014 and the University has not filed any counter affidavit as yet, the writ petition is disposed of with direction to the University



to take final decision with regard to claim of the petitioner as one time measures in the light of the judgment of the Apex Court in **Secretary State of Karnataka vs. Uma Devi AIR 2006(4) SC-1** and subsequent judgment of the Apex Court in 2010(9) SCC 247 in the case of **M. L. Keshri** and also the decision of the Apex Court in the case of **Amarkant Rai vs. State of Bihar & Ors reported in (2015) 8 SCC 265**

4. Final decision with regard to status of the petitioner may be taken by the University and if the petitioner has rendered his service, the University is obliged to ensure payment of remuneration to the petitioner for the service rendered by the petitioner as taking work and denying salary is impermissible and violative of Article 21 and 23 of the Constitution as Begaari is impermissible under the Constitution.

5. Necessary decision with regard to the claim of the petitioner may be taken by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order.

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

(Anil Kumar Upadhyay, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.11.2018
Transmission Date	

