

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.240 of 2018

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Manikant Chaudhary, Son of Bhupendra Chaudhary, Resident of Village-
Neuri, P.O.- Neuri, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna.
2. Director, Higher Education, Bihar, Patna.
3. L.N. Mithila University, Darbhanga through its Registrar.
4. Vice Chancellor, L.N. Mithila University, Darbhanga.
5. Registrar, L.N. Mithila University, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Advocae
For the State	:	Mr. Rajesh Kr. Sinha, AC to GP23
For the University	:	Ms. Alka Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 16-02-2018

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

2. The grievance of the petitioner in the present writ
petition is inaction on the part of the respondents in the matter of
sanction of additional posts of teaching and non-teaching staff in
the college in question.

3. Mr. Abhinav Srivastava, learned counsel appearing
for the petitioner, with reference to the averments made in the writ
petition, submits that the Hon'ble Chancellor of the University has
already issued guidelines for the purpose of creation of additional
posts and request was made to the State authorities by the
University to sanction additional post way back on 4.7.2013 and



the said proposal for creation of additional posts is pending before the Higher Education Department of the State Government and as such the respondent-authorities in the State Government are required to take final decision. The Hon'ble Chancellor of the Universities of Bihar has already issued guidelines in the matter of creation of additional posts. The respondent-authorities in the Education Department are required to take decision one way or the other and not to keep the matter pending for years together. In the year 2013 itself the proposal was sent to the Education Department yet they are sitting tight over the matter and as a result of such inaction, the additional posts have not been created which is required to be sanctioned in view of the increasing working load in the College in question.

4. In view of the facts and circumstances as indicated hereinabove, the writ petition is disposed of with a direction to the Director, Higher Education, Government of Bihar to take final decision with regard to the creation of additional posts having regard to the increasing work load in the college which is affiliated to L.N.Mithila University, Darbhanga.

5. The guideline of the Chancellor is objective one and the same is required to be followed by the authorities of the Education Department in the matter of creation of additional posts.



7. In view of the above, the Director, Higher Education Department, Respondent No. 2 is directed to take final decision at the earliest, in any event before 31st March, 2018 so that the fund allotted for distribution among teaching and non-teaching staff of the college in question be properly utilized as many teachers and non-teaching staff are expecting share in the allotted fund may not get their share due to delay in disposal of the proposal for approval of creation of additional posts

8. With the above the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.02.2018
Transmission Date	

