

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18673 of 2017**

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Shashi Nath Jha, S/o Late Jata Shankar Jha, resident of Mohalla- Ward No.10, Madhepura, P.S.- Madhepura Town, District- Madhuprua at present working as Lecturer, Department of History, Parwati Science College, Madhepura, District- Madhepura. .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat Patna.
  2. The Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna.
  3. The Director, Higher Education, Human Resources Development Department, Govt. of Bihar, Patna.
  4. The Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura through its Registrar, P.S. and District-Madhepura.
  5. The Vice Chancellor, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura, P.S. and District-Madhepura.
  6. The Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura, P.S. and District-Madhepura.
  7. The Principal, Parwati Science College, Madhepura. .... Respondent/s
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**Appearance :**

For the Petitioner/s : Mr. Subodh Kumar Jha, Advocate  
Mr. Pranav Kumar Jha, Advocate  
For the Respondent/s : Mr. Jitendra Kumar Roy No-1, SC-13

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL JUDGMENT**

**Date: 16-07-2018**

Heard learned counsel for the petitioner and respondents.

2. The grievance of the petitioner in the present writ application is inaction on the part of the B. N. Mandal University on the order of Justice S. B. Sinha Commission. The relevant part of the order of Justice S. B. Sinha Commission read as follows:

“This Application has been filed by Shri Shashi Nath Jha for recall of the order dated 13.10.2014 passed by this Commission in respect of the above-mentioned Claimants, whereby and whereunder the Claim Petition filed by the Applicant herein was dismissed.

Mr. Ranjeet Kumar, learned counsel on behalf of



the Applicant, would contend that having regard of the fact that in Annexure-IV A at page 251 of Volume III of the report of Justice Agrawal Commission, the name of the Claimant appears at Sr. No.6, and there being two sanctioned and three recommended posts in the Department of History, he may be adjusted having regard to the fact that Shri Shashi Bhushan Prasad Sinha having expired, a vacancy has fallen in the said category.

It does not appear from the order dated that such a plea was raised.

However, there cannot be any doubt or dispute that in the event the contention of the Applicant is correct, the University will consider the desirability of passing an appropriate order in accordance of law.

With the aforementioned observation, this Application is dismissed.”

3. In view of the order dated 24.06.2015 passed by Justice S. B. Sinha Commission, the writ application is disposed of with a direction to the University to take final decision, if not already taken, within a period of three months from the date of receipt/production of a copy of this order. The University may take appropriate decision and grant all consequential benefits within the time frame indicated hereinabove.

(Anil Kumar Upadhyay, J)

Uday/-

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