

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22233 of 2012

-
-
1. Sri Narayan Tiwary S/O Late Ramashray Tiwary R/O Vill.-
Kaithwaliya, P.S.- Kalyanpur, Distt.- East Champaran
2. Vishnu Kant Gupta S/O Late Vaidyanath Prasad R/O Baluatal,
P.S.-MOTIHARI Town, Distt.- East Champaran Petitioner/s
- Versus
1. The State Of Bihar
2. The Principal Secretary Human Resource Department, Govt. Of Bihar, Patna
3. The Director, Higher Education Department Of Human Resource, Govt. Of
Bihar, Patna
4. The B.R. Ambedkar University, Muzaffarpur, Through Its Registrar
5. The Voice Chancellor B.R. Ambedkar University, Muzaffarpur, Distt.-
Muzaffarpur
6. The Registrar, B.R. Ambedkar University, Muzaffarpur, Distt.- Muzaffarpur
... .. Respondent/s
-
-

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Prabhakar Singh, Advocate Mr. Rakesh Mohan Singh, Advocate
For the Respondent/s	:	Mr. Rewti Kant Sharma, Ac to Sc-11
For the University	:	Mr. Vikash Ratan Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 03-07-2018

The present writ application was filed by the petitioners in the year 2012 for a direction to the respondents to make payment of salary of the petitioners as full time Lecturer in the faculty of Law of Munshi Singh College, Motihari.

2. Mr. Y.V. Giri, learned Sr. counsel appearing on behalf of the petitioners submits that initially the petitioners were appointed as part time lecturer but in terms of directives of Bar Council of India, law teaching was made on full time basis and the petitioners before this court were engaged on full time teachers and from time to time decision was taken in their favour by the University, treating them full time teachers. He submitted that notwithstanding the fact the petitioners have discharging the



duty as full teachers of law, they are not being paid regular salary admissible to full time teachers of law.

3. Learned counsel submits that due to indecisiveness of the respondents, petitioners were forced to retire without getting regular pay scale admissible to the full time teacher.

4. Referring to Annexure-P/1 enclosed with the supplementary affidavit filed on 3.7.2018 he submits that on 13.8.2016 the University requested the Director, Higher Education in connection with payment of regular pay scale and the consequential benefits of these teachers by allowing their absorption as full time teachers and also to grant consequential benefits. Mr. Y. V. Giri again submitted that there is no denial of the fact that the petitioners have worked as full time teachers and they have superannuated and at this stage the respondents have to now recognize the service of the petitioners as full time teachers and extend them the benefit of regular full time teachers.

5. Considering the materials available on record, the court is of the view that there is no dispute so far as the University is concerned as to recognizing the petitioners as full time teachers. The only issue is that the State Government despite repeated request by the University has not been able to take final decision.



6. Under the aforesaid, the Director, Higher Education is hereby directed to take final decision on the claim of the petitioners for absorption of the petitioners and grant of consequential benefits as full time teachers, if not already taken within a maximum period of sixty days from the date of receipt/production of a copy of this order.

7. The letter no. L/162 dated 13.8.2016 of the Registrar of the University contains details fact and if the Director, Higher Education is required further information, he may solicits such information from the Registrar of the University and take final decision within the time frame indicated hereinabove.

8. The admitted claim of the petitioners as per Mr.Giri contained in Annexure-C to the counter affidavit has even not been extended to the petitioners if the State has taken any favourable decision in favour of the petitioners much less Annexure-C the benefit of such decision must reach the petitioners within the time frame indicated hereinabove.

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

Ravi/-

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.07.2018
Transmission Date	

