

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8704 of 2012

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1. UMESH KUMAR SHARMA SON OF SRI JAY PRAKASH SHARMA RESIDENT OF VILLAGE - INDRAPRAST COLONY N.H. 28, POLICE STATION - SADAR, DISTRICT - MUZAFFARPUR
2. VINAY NATH THAKUR SON OF SRI RAJENDRA THAKUR RESIDENT OF VILLAGE - DARIAPUR KAPHEN, POLICE STATION - KUDHNI, DIST.- MUZAFFARPUR
3. HARHAR MAHADEV SINGH SON OF LATE JAGARNATH SINGH RESIDENT OF VILLAGE - CHAWSHIA, POLICE STATION - SADAR, DIST- MUZAFFARPUR..... .. Petitioner/s
- Versus
1. THE STATE OF BIHAR THROUGH , THE CHIEF SECRETARY, GOVT. OF BIHAR, PATNA
2. THE PRINCIPAL SECRETARY, HUMAN RESOURCES DEVELOPMENT DEPTT. GOVT. OF BIHAR, PATNA
3. THE DIRECTOR, HIGHER EDUCATION, GOVT. OF BIHAR, PATNA
4. THE DEPUTY SECRETARY DEPARTMENT OF HUMAN RESOURCE & DEVELOPMENT GOVT. OF BIHAR, PATNA
5. THE DEPUTY DIRECTOR, HIGHER EDUCATION, GOVT. OF BIHAR, PATNA
6. THE BABA SAHEB BHIM RAO AMBEDKAR BIHAR UNIVERSITY, MUZAFFARPUR, THROUGH THE REGISTRAR
7. THE VICE-CHANCELLOR BABA SAHEB BHIM RAO MABEDKAR UNIVERSITY, MUZAFFARPUR
8. THE REGISTRAR, BABA SAHEB BHIM RAO AMBEDKAR UNIVERSITY, MUZAFFARPUR
9. THE PRINCIPAL RAMBRIKSH BENIPURI, MAHILA COLLEGE, L.S. COLLEGE CAMPUS, MUZAFFARPUR..... .. Respondent/s
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Appearance :

For the Petitioner/s	:	Mr. Prabhat Kumar Singh, Advocate.
For the Respondent/s	:	Mr. Dhurjati Kr Prasad G.P.-14, Advocate.
For the University	:	Mr. Nikhil Kumar Agarwal, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

8 29-10-2018 Heard learned counsel for the petitioners and counsel
appearing on behalf of the State as well as University.

Mr. Prabhat Kumar Singh learned counsel appearing
on behalf of the petitioners has drawn attention to the order
contained in Annexure-18 and also order passed in CWJC No.
2168 of 1994. It is evident from Annexure-18 that the matter



was remitted back to the State Government to consider the matter afresh but while taking the final decision on remand the State Government did not apply mind and by cryptic order dated 16.4.2010 (Annexure-18) rejected the claim of regularization of the petitioners. The order contained in Annexure-18 dated 16.4.2010 was also challenged by Pramod Kumar and Ram Balak Sharma in CWJC No. 9963 of 2010. The Court noticing the cryptic order dated 16.4.2010 quashed the said Order dated 16.4.2010 in CWJC No. 9963 of 2010 holding that the order was passed without application of mind.

Learned counsel for the petitioners submits that all the necessary information was furnished by the University for taking appropriate decision but without application of mind the respondent State has rejected the claim of the petitioners and others on the ground that necessary information was not furnished by the University. After the order of CWJC No. 9963 of 2010 the matter was examined by the State and vide Annexure-20, the State government issued order for regularizing the services of the Pramod Kumar and Ram Balak Sharma vide memo no.3426 dated 28.12.2011.

Mr. Prabhat Kumar Singh, learned counsel for the petitioners submits that the case of the petitioners is identical to



the case of Pramod Kumar and Ram Balak Sharma and as such petitioners deserve similar treatment in the matter of grant of regularization. The Court on consideration of Annexure-18 is of the considered view that the order contained in Annexure-18 is cryptic order and as such the order rejecting the claim of the petitioners for regularization is unsustainable in the eyes of law. Hence, the order contained in Annexures-18 is hereby quashed. The respondents are hereby directed to take afresh decision in the case of petitioners similar to that of Pramod Kumar and Ram Balak Sharma who were regularized vide memo no.3426 dated 28.12.2011 and similar benefit should be extended to these petitioners also. Necessary decision in this regard may be taken by the University as well as the State Government within a maximum period of four months from the date of receipt/production of a copy of this order. It goes without saying that the respondents have to extend the similar consequential benefits to the petitioners like Pramod Kumar and Ram Balak Sharma within the time frame indicated hereinabove.

With the aforesaid the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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