

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4133 of 2018

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Brajendra Kumar, son of Late Mushru Yadav, Resident of Village- Kamalpur, P.S.- Ghailar, District- Madhepura and Presently working on the post of Assistant, B.N.M.V., College, Sahugarh, Madhepura under B.N. Mandal University, Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Govt. of Bihar, Patna.
4. The Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura through its Registrar P.S. & District- Madhepura.
5. The Vice- Chancellor, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura, P.S. & District- Madhepura. null null
6. The Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura, P.S. & District- Madhepura.
7. The Principal, B.N.M.V., College, Sahugarh, P.S. & District- Madhepura.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 4089 of 2018

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Harendra Kumar, Son of Shri Vanarasi Prasad Yadav, Resident of Village- Dinapatti, Parria, P.S.-Madhepura, District-Madhepura at Present Working as Assistant, B.N.M.V., College, Sahugarh, Madhepura under B.N. Mandal University, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
2. The Principal Secretary, Department of Human Resources Development, Govt. of Bihar, Patna
3. The Director, Higher Education, Bihar, Patna.
4. The Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura through its Registrar, P.S. & District-Madhepura.
5. The Vice Chancellor, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura, P. S. & District-Madhepura.
6. The Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura. P.S. & District-Madhepura.
7. THE Principal, B.N.M.V., College, Sahugarh, P.S. & District-Madhepura.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5963 of 2018

=====

Praveen Kumar, Son of Late Krishna Kumar Resident of village & P.O. Khakhari, P.S.- Kashichak, District- Nawada.



... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Vice Chancellor, Magadh University, Bodh Gaya, Gaya.
3. The Registrar, Magadh University, Bodh Gaya, Gaya.
4. The Principal T.S. College, Hisua, Nawadah.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 4133 of 2018)

For the Petitioner/s : Mr. Subodh Kumar Jha, Advocate
For Univesity : Mr. Ritesh Kumar, Advocate
For the Respondent/s : Mr. Kameshwar Kumar -Gp17
Mr. Arbind Kumar, AC to GP-17

(In Civil Writ Jurisdiction Case No. 4089 of 2018)

For the Petitioner/s : Mr. Pranav Kumar Jha
For the Respondent/s : Mr. Madanjeet Kumar- Gp20

(In Civil Writ Jurisdiction Case No. 5963 of 2018)

For the Petitioner/s : Mr. Shailesh Kumar
For the Respondent/s : Mr. S.C.Mishra -Sc16

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 19-07-2018

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

2. Learned counsel appearing on behalf of the
petitioners submits that petitioners were appointed in the colleges
in question way back on 10.12.1979, 30.10.1980 and the father of
the petitioner of CWJC No. 5963 of 2018 on 1.8.1978 respectively
and they were regularly working against the sanction post but they
were not absorbed and not paid salary after the colleges were made
constituent units. The name of the petitioners figure in the list
dated 1.4.2013, 31.10.1986 and 30.1.1987 respectively issued by
the colleges as working non-teaching employees.



3. In view of the above, the Court does not see any reason to issue positive direction in favour of the petitioners. However, liberty shall be available to the petitioners to approach the University to consider their cases.

4. In case the petitioners file representation along with copy of this order, the respondent- University will take final decision within a maximum period of four months from the date of receipt of the representation and if it is found that the petitioners were appointed against sanctioned post having requisite qualification before the colleges were made constituent unit of University in question, appropriate order may be passed in the light of the decision in CWJC No. 17670 of 2017 within the aforesaid period.

5. With the aforesaid, all the three writ petitions stand disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.07.2018
Transmission Date	

