

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1829 of 2017

In
Civil Writ Jurisdiction Case No.10145 of 2016

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1. The Vice Chancellor, T.M. Bhagalpur University, Bhagalpur.
 2. The Registrar, T.M. Bhagalpur University, Bhagalpur.
 3. The Finance Officer, T.M. Bhagalpur University, Bhagalpur.

... .. Appellant/s

Versus

1. Shashi Bala Sinha, W/o Dr. Maheshwari Prasad Verma, presently residing at Madhopur, P.O. Basudeopur, P.S.- Kotwali, District- Munger.
2. The Director, Higher Education, Govt. of Bihar, Patna.
3. The Principal, B.R.M. College, Munger.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anjani Kumar, Sr. Advocate
Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 14-03-2018

Heard.

Delay of 9 days in filing of this appeal is condoned.

I.A. No. 9365 of 2017 stands allowed and disposed of.

In the matter of imposition of cost of Rs. 10,000/- on the Vice Chancellor and Registrar of the University in C.W.J.C. No. 10145 of 2016 on 09.11.2017, this appeal has been filed by the University under Clause 10 of the Letters Patent.

From the facts that have come on record, it is seen that the cost was imposed because a counter affidavit on behalf



of the University was not filed for 1½ years and the representation of the petitioner was not also taken into consideration and decided. Imposing a cost of Rs. 10,000/- the Vice Chancellor was directed to decide the representation of the petitioner within 8 weeks.

From the averments made in the memorandum of appeal and on going through the orders passed in various cases pertaining to regularization of daily wages employees working in various Universities in the State of Bihar, we find that after orders were passed on various dates in C.W.J.C. No. 11854 of 1999 and other cases on 28.02.2000 the University had to take action for considering the case of employees for regularization and in the meanwhile Letters Patent Appeal No. 1514 of 2000 was also filed which was decided in the year 2001. The matter was taken up by the University with the Government and in the meanwhile it was only in the year 2006 that the Government gave its opinion in the matter. It was thereafter referred to the Advocate General and based on the opinion received by the Advocate General it is stated that a decision was taken and as far as the case of the respondent petitioner is concerned, it is indicated that after orders passed on 09.11.2017, this case has been considered and a decision taken with regard to



regularization. Accordingly, it is stated that because of certain administrative reasons and complications created in view of various orders passed in the matter of regularization of employees, the University had to take opinion from various authorities including the State Government and the Advocate General and in that process the counter affidavit could not be filed and the matter was kept pending. The Authorities of the University including the Vice Chancellor and the Registrar expressed their apologies for the delay caused in filing the counter affidavit and, Sri Anjani Kumar, learned Senior Counsel appearing for the appellants submits that the delay was bona fide, it was not intentional and only because of certain administrative constraint the delay has occasioned. It is stated that as now claim of the employees has been considered and the representation decided, the cost imposed may be set aside.

Considering the pleadings made in the memorandum of appeal and considering the submission made by Sri Anjani Kumar learned Senior Counsel appearing on behalf of the appellants, we direct the University authorities to be careful in future while dealing with Court cases and ensure that counter affidavits and replies are filed within a reasonable period of time and inordinate delay in dealing of the matter are



avoided. For the present, accepting the regret shown by the authorities, we allow this appeal and set aside the cost imposed by the learned Writ Court in C.W.J.C. No. 10145 of 2016 on 09.11.2017.

With the aforesaid, the Letters Patent Appeal stands allowed and disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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