

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3007 of 2019

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Jitendra Rai S/o Krishna Nanda Rai Resident of Village-P.O.-Parhap, P.S.-
Sahar District-bhojpur, Presently Posted as Lab technician in the Subject of
Geography, Brahmarshi Sahajanand Saraswati College Bachari Piro

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors through the Director, Higher Education, Govt. of Bihar, Patna
2. The Director, Higher Education, Govt of Bihar Patna
3. The Vice-Chancellor, Veer Kunwar Singh University, Arah
4. The Registrar, Veer Kunwar Singh University Arah
5. The Chairman of the Governing Body. Brahmarshi Sahajanand Saraswati College, Bachari Piro Bhojpur
6. The Secretary Cum-Education of the Governing Body, Brahmarshi Sahajanand Saraswati College, Bachari Piro, Bhojpur
7. Professor-incharge of Brahmarshi Sahajanand Saraswati College, Bachari Piro Bhojpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Singh, Advocate
For the State	:	Mr.S.K.Ranjan, AC to GP 17
For the University	:	Ms. Nutan Sahay, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 27-08-2019 Heard learned counsel for the petitioner and the respondents.

The issue raised in the present writ petition is no more res integra. After the decision of the Division Bench, the matter was taken to the Apex Court and the Apex Court in the case of *Durga Prasad Singh & Ors. Vs. The State of Bihar & Ors.: Civil Appeal No(s) 6178-6181 of 2015* has held as follows:-



“We have heard learned counsel for the parties at great length.

These appeals arise out of challenge to the Bihar State Universities (Amendment and Validation) Act, 2012 (Bihar Act 22 of 2012) which has been upheld by the High Court by the impugned order. We do not find any ground to interfere with the view taken by the High Court in upholding the said Act.

We however, make it clear that the present status, rank and pay of the appellants will not be disturbed. If any Lab Assistant has been given designation of Demonstrator, which he continues to hold till date, it will not be withdrawn. They will not be entitled to any further benefits in conflict with the impugned Act.

In view of above, the appeals are disposed of. No costs.

Pending application, if any, shall also stand disposed of.”

In view of the decision of the Apex Court, this Court has also considered similar matter in CWJC No. 15211 of 2012 (Dr. Suresh Prasad Yadav. Vs. The State of Bihar & Ors.) and allowed the writ petition by oral judgment dated 11.09.2018.

Thus, in the light of the judgment of the Apex Court quoted hereinabove, the present writ petition is allowed and disposed of with direction to the respondents to take appropriate



decision in the light of the order passed by the Apex Court in the case of Durga Prasad Singh and pass necessary order within a maximum period of three months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

spandey/-

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