

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1170 of 2015

Arising out of

Civil Writ Jurisdiction Case No.14126 of 2005

-
1. Bimal Kumar Srivastava, Son of Late K.K. Prasad, Resident of Village Mahua Singhrai, P.O. + P.S. Mahua, District Vaishali.
 2. Sanjay Kumar, Son of Late Lautan Prasad, Resident of Village Mahua Singhrai, P.O. + P.S. Mahua, District Vaishali.
 3. Devendra Prasad Ray, Son of Sri Indradeo Ray, Resident of Village Satpura, P.O. Chandanpatti, P.S. Sakra, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sri R.K. Mahajan, Principal Secretary, Higher Education, Human Resources Development Department, Government of Bihar, Patna.
3. Sri S.M. Karim, Director, Higher Education, Human Resources Development Department, Government of Bihar, Patna.
4. Sri Vivekanand Shukla, Registrar, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
5. Sri Pandit Prabhakar Plande, Vice Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
6. Dr. Syed Vakil Asarafi, Principal, Deochand College, Hajipur, District Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Roona, Advocate
For the BRA University	:	Mr. P N Shahi, Sr. Advocate
		Mr. Arabind Nath Pandey, AC to GP 25
For the State	:	Mr. Archana Sinha, AC to GP 25

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 13-09-2019

Heard learned counsel for the petitioners; learned AC to GP 25 for the State and Mr. P N Shahi, learned senior counsel along with Mr. Arabind Nath Pandey, learned counsel for the BRA Bihar University (hereinafter referred to as the 'University').



2. On 22.08.2019, the Court had recorded a detailed order and ultimately, had directed the Vice Chancellor and Registrar of the University to be present along with their show cause.

3. In terms thereof, the officers are present and have filed their show cause.

4. At the very outset, learned counsel for the University submitted that the action of the University in regularizing the services of the petitioners cannot be sustained. It was submitted that the Vice Chancellor has joined recently on 3rd September, 2019 and immediately upon being made aware of the matter and going through the relevant records and having taken opinion of learned counsel, has issued show cause to the petitioners and a Three Men Committee has also been constituted to look into all such cases. It was submitted that after following the due procedure in law, matters would be taken to their logical conclusion without delay. He also submitted that the authorities would take care that there is no violation of any of the set principles as per the various orders of the Courts and the relevant rules/statutes with regard to the procedure to be followed.

5. Having considered the matter, as the Court had already discussed in its order dated 22.08.2019 and what has been



submitted today, the Court finds that there is no deliberate or willful violation either by the State authorities or the University of the order dated 13.07.2007 passed in CWJC No. 14126 of 2005.

6. At the cost of repetition, if some error has taken place in the process and the authorities have now realized such *bona fide* mistake and are taking effective steps to rectify the same, the Court would not come in the way of such exercise, especially when it is for a salutary purpose of ensuring that the rule of law prevails and the University functions in accordance with law.

7. Accordingly, the application stands disposed off.

8. However, the petitioners shall be at liberty to pursue the matter before the appropriate forum, in accordance with law.

9. Personal appearance of the officers stands dispensed with.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

