

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17361 of 2017

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A. K. Gopalan Degree College, Sultanganj, District- Bhagalpur (Bihar) through its Secretary, Namely, Prof. Arjun Prasad (Retd.), S/o Late D.N. Yadav, R/o Shrikrishanagar, P.O. P.S.- Ishakchak, Town and District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
2. The Deputy Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
3. The Director, Higher Education Department, Government of Bihar, Patna.
4. The Deputy Director, Higher Education, Education Department, Govt. of Bihar, Patna.
5. The T.M. Bhagalpur University, Bhagalpur, through its Registrar.
6. The Vice-Chancellor, T.M. Bhagalpur University, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Advocate
For the Respondent/s	:	Mr. Madhukar Mishra, AC to SC-16
For the University	:	Mr. Ashhar Mustafa, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

9 26-07-2019 Heard learned counsel for the petitioner and the respondents.

The petitioner has approached this Court for a direction to the respondent State to sanction the additional strength of teaching and non-teaching staff in the College, in question.

Mr. Purushottam Kumar Jha, learned counsel for the petitioner submits that there is favourable recommendation of the University and it is only a formal order required to be



passed.

Learned counsel appearing on behalf of the State with reference to counter affidavit, particularly, para. 7 and 8 submits that there is no rule of the State Government in the matter of creation of post without financial liability. Para 7 and 8 of the counter is quoted herein below:

“7. That Section 35(1) of the Bihar State Universities Act provides that after commencement of the Act no teaching or non-teaching posts involving financial liabilities shall be created without the prior approval of the State Govt.

8. That the University vide its letter dated 10.06.2015 as contained in Annexure-4 to the writ application has sent a proposal to the State Government for sanction of different teaching and non-teaching post in the college in question.”

In view of the categorical stand of the State Government in the counter affidavit that the State Government has no role in the matter of creation of post without financial liability, the writ application is disposed of with a direction to the University to take appropriate decision with regard to the sanction of additional teaching and non-teaching post in the college in question without financial liability at the earliest preferably within a maximum period of 60 days from the date of



receipt/production of a copy of this order.

With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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