

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12657 of 2017

1. Mithilesh Kumar Singh, son of Sri Ram Balak Singh, resident of village- Babu Bazar, New Area, Ara, Police Station- Ara Town, District- Bhojpur at present working as Lab Incharge, Department of Psychology, Maharaja College, Ara.
2. Dilip Kumar, son of Late Kamla Kant Saran, resident of Bishwa Sharde Niwas, Baghwa Gali, Ara, Police Station- Ara Town, District- Bhojpur, At present working as Lab Incharge, Department of Physics, Maharaja College, Ara.
3. Narendra Singh, Son of Sri Shyam Bihari Singh, resident of Bhadwar, P.O.- Bhadwar Berari, Police Station- Bagain Gola, District- Buxar. At present working as Lab In-charge, Department of Chemistry, Maharaja College, Ara.
4. Ajay Kumar Singh, Son of Sri Deep Narayan Singh, resident at and P.O. Sowar, District- Buxar. At present working as Lab Incharge, Department of Physics, Maharaja College, Ara.
5. Ram Prasan Singh, Son of Sri Kallektor Singh, resident at Village and P.O. Narainpur, District- Bhojpur. At present working as Lab Incharge, Department of Chemistry, Maharaja College, Ara.
6. Pradip Kumar Singh, Son of Sri Kedar Nath Singh, resident of New Area, Babu Bazar, Ara, Police Station- Town Ara, District- Bhojpur, At present working as Office Assistant, Maharaja College, Ara.
7. Sushil Kumar Singh, Son of Sri Haridwar Singh resident of Village- Morsiyan, P.O. Ara, District- Bhojpur at Ara. At present working as Office Assistant Maharaja College, Ara.
8. Ramaiya Kumar Singh, age - 49 years, Son of Late Nand Kumar Singh, resident of Mohalla- Babubazaar, P.S.- Ara Town, District- Bhojpur, at present working as Assistant, Maharaja College, Ara.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Department, Government of Bihar, New Secretariat, Patna.
3. The Director, Higher Education Government of Bihar.
4. Vir Kunwar Singh University, Ara through its Registrar.
5. The Vice Chancellor Vir Kunwar Singh University, Ara.
6. The Registrar, Vir Kunwar Singh University, Ara.
7. The Principal Maharaja College, Ara.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 8623 of 2016

Jawahar Lal Yadav Son of Sri Ram Sawarath Prasad Yadav resident of village - Hardia, P.S. Chautham, District – Khagaria Petitioner/s

Versus

1. The State Of Bihar



2. The Principal Secretary, Human Resources Department, Government of Bihar, New Secretariat, Patna
3. The Vir Kunwar Singh University, Ara through its Vice Chancellor
4. The Vice Chancellor, Vir Kunwar Singh University, Ara
5. The Registrar, Vir Kunwar Singh University, Ara
6. The Principal, Jagjivan College Ara Bhojpur

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 12557 of 2017

1. Dilip Kumar Singh, Son of Ganesh Singh age 51 years, resident of Village-Jadipur, P.O. Mahuaon, P.S. Timur, Dist.- Bhojpur.
2. Anil Kumar Singh, Son of Ganesh Singh age 49 years, resident of Village-Jadipur, P.O. Mahuaon, P.S. Timur, Dist.- Bhojpur.
3. Ajit Singh, son of Ganesh Singh, age - 50 years, resident of Village-Jadipur, P.O. Mahuaon, P.S. Timur, Dist.- Bhojpur.
4. Ramesh Singh @ Ramesh Kumar, age- 54 years, Son of Ramji Singh, resident of Village- Jadipur, P.O. Mahuaon, P.S. Timur, Dist.- Bhojpur.
5. Harendra Singh, age- 51 years, Son of Nand Kumar Singh, resident of Village- Jadipur, P.O. Mahuaon, P.S. Timur, Dist.- Bhojpur.
6. Chandra Bhushan Singh, age 57 years, Son of Late Jaynandan Singh, resident of Village P.O. Masarh, Dist.- Bhojpur.
7. Suresh Prasad Singh age- 54 years, son of Late - Bishwanath Singh, resident of Village P.O. Kateyan, P.S.- Bahaea, Dist.- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Department, Government of Bihar, New Secretariat, Patna.
3. The Director, Higher Education, Government of Bihar, New Secretariat, Patna.
4. Vir Kunwar Singh University, Ara through its Registrar.
5. The Vice Chancellor Vir Kunwar Singh University, Ara.
6. The Registrar, Vir Kunwar Singh University, Ara.
7. The Principal, Maharaja College, Ara.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13240 of 2017

1. Ashok Kumar Singh, Son of Sri Ram Ayodhya Singh, Resident of Village-Jaitpur, P.S.- Udwant Nagar, District- Bhojpur.
2. Jitendra Kumar Singh, Son of Late Krishna Kumar Singh, Residet of



Village- Khudrawan, P.O.- Baraol Kala, P.S.- Darihath, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Department, Government of Bihar, New Secretariat, Patna.
3. The Director, Higher Education, Government of Bihar.
4. The Vir Kunwar Singh University, Ara through its Registrar.
5. The Vice Chancellor, Vir Kunwar Singh University, Ara.
6. The Registrar, Vir Kunwar Singh University, Ara.
7. The Principal, Jagjiwan College, Ara.
8. The Principal, S.D. College, Ara.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13266 of 2017

1. Habibur Rahman @ Md. Habibur Rahman, Son of Fasibur Rahman, resident of Mohalla Pakri P.S. Nabada, Ara, District Bhojpur.
2. Devidayal Singh, son of Chandradev Singh, resident of village Dakura, P.S. Barhara, District- Bhojpur.
3. Premnath Prasad, Son of Rajnath Thakur, resident of Village Barka Dumra, P.S. Ara Muffasil, District- Bhojpur.
4. Sachidanand Pandit, Son of Mananath Pandit, resident of Village- Songhatta, P.S.- Koilbar, District- Bhojpur.
5. Yadubansh Thakur, Son of Sangram Thakur, resident of Village- Sumimpara, P.S. Ara, Nawada, District- Bhojpur.
6. Jai Mangal Singh, Son of Madheo Sharan Singh, residnet of Village- Anaith Chakiya, P.S. Ara Nawada, District- Bhojpur.
7. Rajkumar Ram, Son of Sri Nibas Ram, resident of village- Kayam Nagar, P.O. Kayam Nagar, District- Bhojpur.
8. Harendra Singh, Son of Bansidhar Singh, Resident of Badhin Ekbana, P.S. Gadhin Ekbana, District- Bhojpur.
9. Satish Pratap Singh, Son of Ram Naresh Ray, resident of Village- Narayanpur, P.S. Sahar, District- Bhojpur.
10. Bhubaneshwar Singh, Son of Ram Niwas Singh, resident of Village- Anaith Chakiya, P.S. Ara, Nawada, District- Bhojpur.
11. Baban Singh Yadav, Son of Jagdish Singh, resident of village Bisheshwar Katola, P.O. Chakai, P.S. District- Bhojpur.
12. Lal Babu @ Lal Babu Rai, Son of Deo Narain Rai, Resident of Village- Hasanpur, P.O. Karwan, District- Bhojpur.
13. Bijendra Kumar Singh, Son of Bagedan Singh, resident of Village Dhangai, P.S. Vikramganj, District- Rohtas.



14. Bhubaneshwar Rai, Son of Mangaru Rai, resident of Village- Jamira, District- Bhojpur.
15. Ramjee Rai, Son of Sheo Narain Rai, Resident of Village- Semara, P.O. Bandhu Chhapra, District- Bhojpur.
16. Ganga Dayal Choudhary, Son of Chandradeo Chaudhary, resident of Village- Keshopur Bakari, P.O. Karwan, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chancellor, Bihar, Patna.
3. The Vice Chancellor, Magadh University, Bodhgaya.
4. The Vice Chancellor, Veer Kunwar Singh University, Ara, Bhojpur.
5. The Registrar, Veer Kunwar Singh University, Ara, Bhojpur.
6. The Principal, Maharaja College, Ara, Bhojpur.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13399 of 2017

Md. Shahabuddin, Son of late Abdul Mazid Mohalla Choudhariana Tari, P.S. Sadar Ara at Present working as Class III

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principla Secretary, Human Resources Department, Government of Bihar, New Secretariat, Patna.
3. The Director, Higher Education Government of Bihar, New Secretariat, Patna.
4. The Vir Kunwar Singh University, Ara through its Registrar.
5. The Vice Chancellor Vir kunwar Singh University, Ara.
6. The Registrar, Vir Kunwar Singh University, Ara.
7. The Principal. S.B. College, Ara.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13728 of 2017

1. Shiv Kumar Prasad, son of Chandra Mani Prasad, resident of Village- Mathpar, P.O.- Murgawaon, P.S.- Silao, District- Nalanda.
2. Ram Sakal Singh, son of Late Sita Ram Singh, resident of Village- Pramdihi, P.O.- Bahura, P.S.- Devnath, District- Rohtas.
3. Ramashray Singh, son of Jiv Nandan Singh, resident of Village- Madipra, P.O.- Dihyia, P.S.- Karghar, District- Rohtas.



4. Tija Kuar, w/o Late Shyam Bihari Singh, son of Late Jagernath Choudhary, resident of Village- Sathar, P.O.- Baithari, P.S.- Kochas, District- Rohtas.
5. Ramta Rai, son of Harihar Rai, resident of Village- Kushai, P.O.- Karghat, District- Rohtas.
6. Rajgrihi Sharma, son of Late Baidhnath Sharma, resident of Village- Badhran, P.O.- Tirni Dihra, P.S. Karghar, District- Rohtas.
7. Ram Muni Singh, son of Deo Bachan Singh, resident of Village- Salmal Kahira, P.O.- Balthari, P.S.- Kochas, District- Rohtas.
8. Harihar Prasad Singh, son of Late Shiv Bharat Singh, resident of Village- Salmal Kharihar, P.O.- Balthari, P.S.- Kochas, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Department of Higher Education, Governmet of Bihar, Patna.
3. The Registrar, Veer Kunwar Singh University, Ara.
4. The Vice- Chancellor, Veer Kunwar Singh University, Ara.
5. The Principal, Sachidanand College, Sahmal Khaira Deo, District- Rohtas.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 14031 of 2017

Bijay Shankar Pandey s/o Late Bhola Pandey, Resident of Mohalla- East Sohani Patti, Satiwara, P.S. Sadar Buxar, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Department, Government of Bihar, New Secretariat, Patna.
3. The Director, Higher Education, Government of Bihar.
4. The Vir Kunwar Singh University, Ara through its Registrar.
5. The Vice Chancellor Vir Kunwer Singh University, Ara.
6. The Registrar, Vir Kunwar Singh University, Ara.
7. The Principal, M.V. College, Buxar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 14309 of 2017

1. Anil Kumar Rai, Son of Late Shyam Bihari Rai Resident of Village - Govindpur, P.S. - Buxar, District - Buxar, at present Store Keeper of Maharaja College, Arrah.
2. Rama Shankar Singh, Son of Late Kripalani Singh Resident of Village -



Alipur, P.S. - Muffasil, District - Bhojpur, at present Lab Incharge of Maharaja College, Arrah.

3. Bharat Singh, Son of Late Ram Bahadur Singh Resident of Village - Haripur, P.S. - Buxar, District - Buxar, At present Lab Incharge of Maharaja College, Arrah.
4. Umesh Pandey, Son of Sri Ram Nath Pandey Resident of Village - Mohania, P.S. - Mohania, District - Rohtas, At present Lab Incharge of Maharaja College, Arrah.
5. Raj Kishore Singh, Son of Late Ranvijay Singh Resident of Village - Bhadwar, P.S. - Brahmpur, District - Buxar at present Typist of Maharaja College, Arrah.
6. Ramjee Rai, Son of Sri Kamta Rai Resident of Village - Balia, P.S. - Kakila, District - Bhojpur, at present Lab Incharge of Maharaja College, Arrah.
7. Hari Shankar Prasad, Son of Late Mangal Ram Resident of Village - Mujhullah Civil Line, P.S. - Buxar, District - Buxar, At present Office Assistant of Maharaja College, Arrah.
8. Ram Bachan Singh, Son of Sri Kripali Singh Resident of Village - Pawana, P.S. - Sandeh, District - Bhojpur, At present Office Assistant of Maharaja College, Arrah.
9. Deo Shankar Singh Yadav, Son of Sri Madhav Saran Singh Yadav Resident of Village - Amaith, P.O. - Nawadeh Arra, District - Bhojpur, At present Lab Incharge of Maharaja College, Arrah.
10. Vinod Kumar Singh Son of Sri Chandradip Narain Singh Resident of Village - Jadopur, P.S. - Bihiya, District - Bhojpur, At present Office Assistant of Maharaja College, Arrah.
11. Vishnu Kumar Singh, Son of Raj Narayan Singh Resident of Mohalla - Maula Bagh, P.S. Arrah, District - Bhojpur, At present Office Assistant of Maharaja College, Arrah.
12. Vijay Kumar Singh, Son of Shiv Kumar Singh Resident of Mohalla - Maulabagh, Near Shiv Temple, P.S. Arrah, District Bhojpur At present Office Assistant of Maharaja College, Arrah.
13. Uday Kumar Singh, Son of Anugrah Narayan Singh Resident of Ravindra Bhawan, Karman Tola, Near Moti Mahal, P.S. Arrah, District - Bhojpur, At present Lab Incharge of Maharaja College, Arrah.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Department, Government of Bihar, New Secretariat, Patna.
3. The Director, Higher Education, Government of Bihar.
4. Vir Kunwar Singh University, Ara through its Registrar.
5. The Vice Chancellor, Vir Kunwar Singh University, Ara.
6. The Registrar, Vir Kunwar Singh University, Ara.



7. The Principal, Maharaja College, Ara.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 14324 of 2017

1. Irfan Ahmad, son of Late Abdul Raheem, Resident of Mohalla- Nathu Khan ki Gali, Puro thana Road, Dumrao, P.S. Dumraon, District- Buxar.
2. Dilip Ojha, son of Late Shivadhar Ojha, Resident of Village Post-Kharahatar, P.S.- Kharahatar, District- Buxar.
3. Md. Salim, son of Late Md. Shamsuddin, Resident of Mohalla- Shahganj, P.O. P.S.- Aurangabad, District- Aurangabad.
4. Jawahar Lal Yadav, son of Late Ram Sworath Prasad Yadav, Resident of Village- Hardia, P.S. Chautham, District- Khagariya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Department, Government of Bihar, New Secretariat, Patna.
3. The Director, Higher Education, Government of Bihar.
4. The Vir Kunwar Singh University, Ara through its Registrar.
5. The Vice Chancellor Vir Kunwer Singh University, Ara.
6. The Registrar, Vir Kunwar Singh University, Ara.
7. The D.K. College, Dumraon, Buxar.
8. The Principal, D.K. College, Dumraon, Buxar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 14440 of 2017

1. Yogeshwar Nath Tripathi, Son of Sri Gupteshwar Tripathi, Resident of Sri Krishna Nagar Colony, Ward 12, P.O.- Buxar, P.S.- Buxar, District- Buxar.
2. Bansidhar Thakur, Son of Late Bihari Thakur, Resident of Village-Koipurwa, P.O.- Buxar, P.S.- Buxar, District- Buxar.
3. Brijnandan, Son of Late Gulzar Sah, Resident of Village- Laxmipur, P.O.- Kamarpur, P.S.- Buxar, District- Buxar.
4. Marachi Devi, Wife of Late Duja Prasad Kharwar, Resident of Village-Kuchla, P.O.- Kuchla, P.S.- Kochas, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Department, Government of Bihar, New Secretariat, Patna.



3. The Director, Higher Education, Government of Bihar.
4. The Vir Kunwar Singh University, Ara through its Registrar.
5. The Vice Chancellor, Vir Kunwar Singh University, Ara.
6. The Registrar, Vir Kunwar Singh University, Ara.
7. The Principal, M.V. College, Buxar.
8. The Principal, M.V. College, Buxar.
9. The H.D. Jain College, Ara.
10. The Principal, H.D. Jain College, Ara.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 14530 of 2017

Babudhan Singh, son of Late Suchit Singh, Resident of Village- Indrahiya, P.S.-
Sasaram, District- Rohtas. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Department of Higher Education, Government of Bihar, Patna.
3. The Registrar, Veer Kunwar Singh University, Ara.
4. The Vice- Chancellor, Veer Kunwar Singh University, Ara.
5. The Principal, Sachidanand College, Sahmalkhaira Deo, District- Rohtas.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 14653 of 2017

1. Santosh Kumar Singh, Son of Late Shri Krishna Prasad Singh, Resident of Nahar Area, Civil Line, Buxar.
2. Bijay Bahadur Singh, Son of Late Ramjee Singh, Resident of Village- Mathila, P.S.- Koransarai, District- Buxar.
3. Lal Bachan Singh, Son of Late Sheo Murat Singh, Resident of Village- Dubauli, P.S.- Buxar, District- Buxar.
4. Ajit Kumar Choubey, Son of Shri Sudarshan Choubey, Hospital Road, Civil Line, P.O.P.S., District- Buxar.
5. Ayodhya Singh, Son of Late Haridwar Singh, Bandhan Tola Ara, P.O.- Ara, P.S.- Nawada, Ara, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Govt. of Bihar, Patna.
4. Veer Kuwar Singh University, Ara through its Registrar.



5. The Vice-Chancellor, Veer Kuwar Singh University, Ara.
6. The Registrar, Veer Kuwar Singh University, Ara.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 14765 of 2017

1. Ashok Kumar, Son of Late Siyaram Singh, Village- Yadarpur, P.O.- Mahuon, P.S.- Tier, District- Bhojpur, Ara.
2. Santosh Kumar Singh, Son of Suresh Singh, Village- Khalisa, P.O.- Karwa, P.S.- Udwanatnagar, District Bhojpur at Ara.
3. Surendra Kumar Singh, Son of Shri Ram Singh, Village + P.O. Ekawna, P.S.- Barhara, District- Bhojpur at Ara.
4. Sidheshwar Singh, son of Late Ramgati Singh, Village- Deoki Singh Ka Tola, P.O.- Baulipur, P.S.- Jagdishpur, District- Bhojpur at Ara.
5. Satyendra Prasad Singh, Son of Ramakant Singh, Village- Bishunpur, P.O.- Jalpura, P.S.- Chandi, District- Bhojpur at Ara.
6. Anil Kumar Singh, Son of Late Sheokaran Singh, Mohalla- C.K. Road Choudhariana, P.O.- Ara, P.S. Ara Town, District- Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Govt. of Bihar, Patna.
4. Veer Kuwar Singh University, Ara through its Registrar.
5. The Vice-Chancellor, Veer Kuwar Singh University, Ara.
6. The Registrar, Veer Kuwar Singh University, Ara.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 14780 of 2017

Binayak Dutt Pathak, Son of Sri Kant Pathak, Resident of Charitravan, Buxar, P.O. Buxar, P.S. Buxar, District-Buxar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Department, Government of Bihar, New Secretariat, Patna.
3. The Director, Higher Education, Government of Bihar
4. The Vir Kunwar Singh University, Ara through its Registrar.
5. The Vice Chancellor Vir Kunwar Singh University, Ara
6. The Registrar, Vir Kunwar Singh University, Ara.



7. The Principal, M.V. College, Buxar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 15427 of 2017

1. Birendra Prasad Singh, Son of Late Ramdeo Singh, resident of Village-Tendua Ganpat, P.O.- Rajpur, P.S.- Riship, District- Aurangabad.
2. Bishwajeet Kumar Singh, Son of Late Ganeshi Singh, resident of Village-Sherpur, P.O.- Akhorhi, P.S. Akhorhigola, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar, Patna.
4. Veer Kuwar Singh University, Ara through its Registrar.
5. The Vice Chancellor, Vir Kuwar Singh University, Ara.
6. The Registrar, Veer Kuwar Singh University, Ara.
7. The Principal S.P. Jain College, Sasaram, District- Rohtas.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 15699 of 2017

Sheshnath Singh Son of late Ram Chhabila Singh Resident of Village- Kulhariya, P.S. Koilwar, District- BhojpurBihar. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Higher Education, Government of Bihar, Patna.
3. Veer Kunwar Sing Univesity through its Registrar having Office at Katira , District-Bhojpur, Ara.
4. The Registrar, Veer Kunwar Singh University having Office at Katira, District- Bhojpur, Ara.
5. The Finance Officer, Veer Kunwar Singh University having Office at Katira, District- Bhojpur at Ara
6. The Principal , Jagjivan College, Ara, District- Bhojpur.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 15780 of 2017

1. Babu Lal Ram, Son of Late Khaderan Ram, resident of Mo-Charitravan, P.O. and P.S.-Buxar Town, District Buxar. At Present Posted as Laboratory Boy, M.V. College, Buxar.
2. Sheo Kumar Ram, Son of Guljar Ram, R/o Village-Doghra Tola, Bihia



Chaurasta, P.O.-and P.S. Bihia, District Bhojpur, At Present Posted as Peon in M.V. College Buxar.

- 3. Uday Kumar Singh, Son of Vishnudeo Narayan Singh R/o Village Dhamar, P.O-Dhamar, District Bhojpur at Ara. At Present Posted as Laboratory Assistant Maharaja College, Ara.
- 4. Shrikant Sinha ,Son of Kanhaiya Lal Sinha, Resident of Village-Bamadih, Post Office Sonbarsa, Police Station Karakat, District-Rohtas at Sasaram. At Present Posted as Routine Clerk in S.P. Jain College, Sasaram.
- 5. Anil Kumar Chaudhary, Son of Shiv Narayan Chaudhary, Resident of Village-Majhauri, Dawth, Post Office-District Rohtas at Sasaram. At Present Posted as Routine Clerk in S.P.Jain College, Sasaram.
- 6. Arvind Kumar, Son of Late Ramrup Prasad, Resident of Village-Dewai Bigha, P.O.-Eksara, District Nalanda. At Present Posted as Routine Clerk in S.P. Jain College, Sasaram.

... .. Petitioner/s

Versus

- 1. The State Of Bihar
- 2. The Director, Higher Education, Govt. of Bihar, Patna.
- 3. The Veer Kunwar Singh University, Through its Registrar.
- 4. The Vice-Chancellor, Veer Kunwar Singh University, Ara.
- 5. The Registrar, Veer Kunwar Singh University, Ara.
- 6. The Principal, M.V. College, Buxar.
- 7. The Principal Shanti Pd. Jain College, Sasaram.
- 8. The Principal Maharaja College, Ara.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 16002 of 2017

Abhishesk Pankaj S/o Late Alakh Kumar Singh resident of Mohalla - Chinimill, P.O. - Gajadharganj, P.S. - Buxar, District - Buxar.

... .. Petitioner/s

Versus

- 1. The State Of Bihar
- 2. The Director, Higher Education, Department of Bihar, Patna.
- 3. The Vice Chancellor, Veer Kunwar Singh University, Patna.
- 4. The Registrar, Veer Kunwar Singh University, Ara.
- 5. The Principal, H.D. Jain College, Ara.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 16398 of 2017



1. Prem Kumar Singh, Son of late Sheojee Singh Village- Mahtwalia, P.O.- Daulatpur, P.S. Ara Muffassil, District- Bhojpur at Ara.
2. Anil Kumar Singh, Son of Yamuna Singh Village- Mohanpur Karja, P.O. P.S. - Barhara, District- Ara.
3. Ajay Kumar Singh, Son of Kedar Nath Singh Club Road, Near D.M. Resident of P.O. P.S. Nawada, District- Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar, Patna.
4. Veer Kunwar Singh University, Ara through its Registrar.
5. The Vice-Chancellor, Veer Kunwar Singh University, Ara.
6. The Registrar, Veer Kunwar Singh University.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 16426 of 2017

Arti Singh w/o Sri Chandrabhanu Singh, resident of Village- Gosandepur, Post- Gosandepur, P.S.- Karonda, District- Gazipur, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Deputy Commissioner Cum Secretary Human Resources Development Higher Education Department, Gov
3. The Director, Higher Education, Govt. of Bihar, Patna.
4. The Vice Chancellor, Veer Kunwar Singh University, Arrah.
5. The Registrar, Veer Kunwar Singh University, Arrah.
6. The, Vice Chancellor Magadh University, Bodh Gaya.
7. The, Registrar, Magadh University, Bodh Gaya. null null
8. The, Principal S.B. College, Arrah.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 16708 of 2017

1. Rajeshwari Harijan, son of Sarwan Harijan resident of Village - Danda Bazar, P.S. Sahaur, District Bhagalpur.
2. Sri Krishna Singh, son of Jai Govind Singh resident of Village - Dhangain,



P.S. Vikramganj, District - Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Department, Government of Bihar. New Secretariat, Patna.
3. The Director, Higher Education, Government of Bihar.
4. Vir Kunwar Singh University, Ara through its Registrar.
5. The Vice Chancellor, Vir Kunwar Singh University, Ara.
6. The Registrar, Vir Kunwar Singh University, Ara.
7. The Principal, Maharaja College, Ara.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 17267 of 2017

1. Madan Prasad, Son of Late Hira Lal Prasad, resident of Bikramganj, P.S.- Bikramganj, District- Rohtas.
2. Ram Chandra Singh, Son of Sri Ramashish Singh, Resident of Village- Kishundasdih, P.S. Karakat, Gorai, P.O. Kurur, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Higher Education, Government of Bihar, Patna
2. The Director, Department of Higher Education, Government of Bihar, Patna.
3. The Registrar, Veer Kunwar Singh University, Ara.
4. The Vice-Chancellor, Veer Kunwar Singh University, Ara.
5. The Principal, A.S. College, Bikramganj, Rohtas.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 17674 of 2017

1. Kabindra Prasad Sinha, Son of Sri Jwala Prasad, Resident of P.O. and P.S.- Nawada, Ara District-Bhojpur, Ara.
2. Arbind Kumar Satyasthi, Son of Chandradhari Singh, Resident of Village- P.O. Baga, P.S. Sandesh Ajimabad, District-Bhojpur, Ara.

... .. Petitioner/s

Versus

1. The State Of Bihar



- 2. The Principal Secretary, Human Recourses Department, Government of Bihar, New Secretariat, Patna.
- 3. The Director, Higher Education, Government of Bihar, patna.
- 4. Vir Kunwar Singh University, Ara through its Registrar.
- 5. The Vice Chancellor Vir Kunwar Singh University, Ara
- 6. The Registrar, Vir Kunwar Singh University, Ara.
- 7. The Principal, Maharaja College, Ara.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 8420 of 2018

Gorakh Nath Tiwari S/o Sidhi Tiwari, resident of Village- Babhani, P.S.- Dumraon, District- Buxar presently posted as Peon at M.V. College, Buxar.

... .. Petitioner/s

Versus

- 1. The State Of Bihar through the Principal Secretary, Human Resource Development Department, Government of Bihar, Patna
- 2. The Director, Higher Education, Govt. of Bihar, Patna.
- 3. The Veer Kunwar Singh University through its Registrar.
- 4. The Vice- Chancellor, Veer Kunwar Singh University, Ara, District- Bhojpur.
- 5. The Registrar, Veer Kunwar Singh University, Ara, District- Bhojpur.
- 6. The Principal, M.V. College, Buxar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 12396 of 2018

Baleshwar Malakar Son of Sri Jatta Bhagat resident of New Bangali tola, P.O. G.P.O, District- Patna.

... .. Petitioner/s

Versus

- 1. The State Of Bihar through Secretary, Higher Education, Patna, Bihar
- 2. The Principal Secretary, Human Resources Department, Government of Bihar, New Secretariat, Patna.
- 3. The Director, Higher Education, Government of Bihar.
- 4. The Vir Kunwar Singh University, Ara through its Registrar.
- 5. The Vice Chancellor, Vir Kunwar Singh University, Ara.
- 6. The Registrar, Vir Kunwar Singh University, Ara.
- 7. The Principal, M.V. College, Buxar.



- 8. The Principal, M.V. College, Buxar.
- 9. The H.D. Jain College, Ara.
- 10. The Principal, H.D. Jain College, Ara.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 15992 of 2019

Vijay Kumar Mandal, Son of Late Bhola Singh Resident of Village- Near Shiv Mandir, Village- Khairi, P.O.- Laheri, P.S.- Kochas, District- Rohtas.

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. The Principal Secretary, Education Department, Government of Bihar, Patna.
- 3. The Director, Higher Education, Government of Bihar, Patna.
- 4. Veer Kuwar Singh University, Ara through its Registrar.
- 5. The Vice Chancellor, Veer Kuwar Singh University, Ara.
- 6. The Registrar, Veer Kuwar Singh University, Ara.

... .. Respondent/s

Appearance :
(In Civil Writ Jurisdiction Case No. 12657 of 2017)

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Advocate
For the University : Mr. P.K. Verma,Sr. Advocate
Mr. Rajesh Prasad Choudhary, Advocate
For the State : Mr.Ashutosh Ranjan Pandey, AAG 15

(In Civil Writ Jurisdiction Case No. 8623 of 2016)

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Advocate
For the State : Mr.

(In Civil Writ Jurisdiction Case No. 12557 of 2017)

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Advocate
For the State : Mr.Kameshwar Kumar – GP-17

(In Civil Writ Jurisdiction Case No. 13240 of 2017)

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Advocate
For the State : Mr.Jitendra Kr.Roy No1-SC-13

(In Civil Writ Jurisdiction Case No. 13266 of 2017)

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Advocate
For the State : Mr.S.C. Mishra - Sc16



(In Civil Writ Jurisdiction Case No. 13399 of 2017)

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Advocate
For the State : Mr.Madhaw Pd. Yadav-GP-23

(In Civil Writ Jurisdiction Case No. 13728 of 2017)

For the Petitioner/s : Mr.Sanjeev Kr. Mishra, Advocate
For the State : Mr.Madhav Prasad Yadav, GP 23
Mr. Sanjay Kumar, AC to GP 23

(In Civil Writ Jurisdiction Case No. 14031 of 2017)

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate
For the State : Mr. Ashutosh Ranjan Pandey AAG-15
For the University : Mr. Arbind Nath Pandey, Advocate

(In Civil Writ Jurisdiction Case No. 14309 of 2017)

For the Petitioner/s : Mr.Aswani Kumar Rai, Advocate
Mr. Ram Kumar Singh, Advocate
For the State : Mr.Madanjeet Kumar-Gp20
For the University : Mr. Kinkar Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 14324 of 2017)

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Advocate
For the State : Smt. Shilpa Singh GA-12

(In Civil Writ Jurisdiction Case No. 14440 of 2017)

For the Petitioner/s : Mr.Sanjeev Kumar Mishra
For the State : Smt. Binita Singh,SC-28

(In Civil Writ Jurisdiction Case No. 14530 of 2017)

For the Petitioner/s : Mr.Md. Waliur Rahman, Advocate
For the State : Mr.Madanjeet Kumar -GP-20

(In Civil Writ Jurisdiction Case No. 14653 of 2017)

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate
For the State : Mr.Shankar Kumar Thakur, AC to GP 27
For the University : Mr. P.K. Verma, Sr. Advocate
Mr. Rajesh Kumar Choudhary, Advocate

(In Civil Writ Jurisdiction Case No. 14765 of 2017)

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate
For the State : Mr.Ashutosh Ranjan Pandey-AAG-15

(In Civil Writ Jurisdiction Case No. 14780 of 2017)

For the Petitioner/s : Mr.Sanjeev Kumar Mishra
For the State : Smt.Shilpa Singh -GA-12

(In Civil Writ Jurisdiction Case No. 15427 of 2017)



For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate
 For the State : Smt. B. Singh – SC-28
 For the University : Mr. Arbind Nath Pandey, Advocate

(In Civil Writ Jurisdiction Case No. 15699 of 2017)

For the Petitioner/s : Mr.Anand Kumar Ojha, Advocate
 For the State : Smt.Binita Singh SC-28

(In Civil Writ Jurisdiction Case No. 15780 of 2017)

For the Petitioner/s : Mr.Ashwini Kumar Rai, Advocate
 For the State : Mr.Ashutosh Ranjan Pandey -AAG-15

(In Civil Writ Jurisdiction Case No. 16002 of 2017)

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate
 For the State : Smt. B. Singh – SC-28
 For the University : MR. Arbind Nath Pandey, Advocate

(In Civil Writ Jurisdiction Case No. 16398 of 2017)

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate
 For the State : Mr.Kameshwar Kumar -GP-17

(In Civil Writ Jurisdiction Case No. 16426 of 2017)

For the Petitioner/s : Mr.Ranjan Kumar Dubey, Advocate
 For the State : Mr.Ashutosh Ranjan Pandey -AAG-15
 For the University : Mr. Arbind Nath Pandey, Advocate

(In Civil Writ Jurisdiction Case No. 16708 of 2017)

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Advocate
 For the State : Mr. Kameshwar Kumar – GP-17
 For the University : Mr. Arbind Nath Pandey, Advocate

(In Civil Writ Jurisdiction Case No. 17267 of 2017)

For the Petitioner/s : Mr.Ashok Kumar, Advocate
 Mr. S.Anand, Advocate
 Mr. Ajit Anand, Advocate
 For the State : Mr.Birju Prasad, GP 13

(In Civil Writ Jurisdiction Case No. 17674 of 2017)

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Advocate
 For the Respondent/s : Mr.Umesh Nr. Dubey, AC to GP 27

(In Civil Writ Jurisdiction Case No. 8420 of 2018)

For the Petitioner/s : Mr.Ashwini Kumar Rai, Advocate
 For the State : Mr.Madanjeet Kumar -GP-20
 For the University : Mr. Kinkar Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 12396 of 2018)



For the Petitioner/s : Mr.Sanjiv Sharan, Advocate
For the State : Mr.Jitendra Kumar Ray -1 SC-13

(In Civil Writ Jurisdiction Case No. 15992 of 2019)

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate
For the State : Mr.Subhash Chandra Mishra (SC-16)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 16-09-2019

Heard learned counsel for the petitioners and the respondents.

2. Considering the fact that all the writ petitions involve the same question of fact and law, with the consent of the parties, they are heard together and are being disposed of by this common order.

3. The present batch of writ petitions involve issue of appointment of 129 non-teaching employees on different posts and their regularization after scrutiny by 3-men Committee Constituted by the University. After regularization, the State step in and started scrutiny with regard to legality and validity of the initial appointment of the petitioners. Finally the State Constituted a 3-men Committee to examine the legality and validity of appointment of 129 non-teaching staff working in different constituent units of Veer Kunwar Singh University.

4. Learned counsel appearing on behalf of the petitioners submits that all the petitioners were appointed in the constituent colleges initially under Magadh University but later on after



bifurcation, the colleges in question became the constituent units of Veer Kunwar Singh University. The contention of the petitioners in the present batch of writ petitions is that they have been appointed in different colleges on account of increased work load and within the parameters of staffing pattern.

5. Counsel for the petitioners has drawn the attention of this Court to the background in which the agreement was reached in between the State Government and the Federation of the non-teaching employees and the policy decision of the State Government with regard to admission of deemed sanctioned post in the category of staffing pattern. They submitted that after 1980 on account of increase of the intake capacity in the college and introduction of new courses necessitated additional staff whereas for decades no appointment was made on any post of non-teaching employees in any of the Universities in Bihar, the appointments were made in exigency of situation. The controversy as to validity of appointment on the deemed sanctioned post/staffing pattern vis-a-vis Control of the State in terms of Section 35 of the Bihar State Universities Act (hereinafter referred to as 'the Act') on appointment in Universities led to the constitution of a full Bench. The Full Bench of the Patna High Court has occasion to consider the issue of staffing pattern in the case of ***Braj Kishore Singh v. State of Bihar 1997 (1) BLJR 652 : 1997 (1) P.L.J.R. 509.*** The



Full Bench speaking through of Hon'ble S.N.Jha,J.(as his lordships then was) has noted the requirement of non-teaching staff in the matter of imparting education in the colleges and the Full Bench on consideration of the staffing pattern in terms of the agreement of the Federation of non-teaching employees and the State Government and the judgment of the Apex Court in the case of Direct Recruits Engineers case: AIR 1990 SC 1906, red down the rigour of Section 35 of the Act. Following the judgment of the Full Bench the State Government has also formulated its own scheme by issuing letter no. 1820 dated 17th November, 1998 and the Hon'ble High Court on numerous occasions issued direction for consideration of the non-teaching employees for regularization in the light of the judgment of the Full Bench in the case of Braj Kishore Singh (Supra) and the process of regularization has been sanctioned by the State Government as discussed hereinabove in the letter No. 1820 dated 17.11.1998 which is still holding the field. In most of the cases in the batch of writ petitions petitioners have approached this Court and considering their claim as to working within the staffing pattern, different courts have passed orders for consideration of their cases for regularization in terms of the judgment of the Full Bench in the case of ***Braj Kishore Singh(Supra)***. The University exercising jurisdiction vested under the Universities Act examined the case of regularization of these 129 non-



teaching employees decided to regularize the services of 129 non-teaching employees and after their regularization they have been paid their current salary. In the process of scrutiny the University has rejected large number of cases when the three-men Committee of the University came to the conclusion that their claim is not supported by the materials. The report of the 3-men Committee of the University was deliberated upon and thereafter the University decided to regularize their services. After the regularization when the salary of the petitioners were stopped, they filed the batch of writ petitions in the High Court. This Court has granted indulgence to the respondents by issuing different orders on different occasions. Reference in this connection may be made to the order of this Court dated 28.2.2018 which is quoted below:-

“Heard Mr. Chittaranjan Sinha, senior counsel and other counsels including Mr. Sanjeev Kumar Mishra, Md. Waliur Rahman and others for the petitioners, Mr. P.K.Verma, senior counsel for the Veer Kunwar Singh University and counsel appearing on behalf of the State.

Mr. Chittaranjan Sinha appearing on behalf of the petitioners submits that on 24.10.2016 vide Annexure-31, direction was issued by the Director, Higher Education and the Registrar Veer Kunwar



Singh University to examine the appointment and absorption of employees validly appointed totaling 129, who were allegedly appointed and regularized during the years 2011, 2012 and 2013.

Pursuant to the direction contained in Annexure-31 dated 21.10.2016, the University without conducting the enquiry passed order vide letter of the Registrar contained in memo No. 1700 dated 22nd / 23rd August, 2017 and vide order contained in Memo No. 1698 dated 22.8.2017, a committee was constituted to enquire into the matter and submit a report within a period of ten days but till date the University has not concluded the enquiry and as a result of their inconclusive enquiry the University has not determined whether appointment and absorption of the petitioners are legal and valid or not. Before determining validity of appointment and irregularly, they have been stopped from working.

Mr Verma learned counsel for the University submits that the University would conclude the enquiry as to the legality and validity of the appointment and absorption of the petitioners within a period of six weeks from today after



giving opportunity of hearing to the petitioners.

In case after enquiry appointment and regularization of the petitioners is found to be legal and valid, the petitioners should be allowed to work and paid the salary for the period they were restrained from working pursuant to the order dated 22nd /23rd August, 2017 as contained in memo No. 1700. Since the State Government has issued direction and as a follow up direction of the Director and the University has undertaken enquiry, the State Government is also required take step in the matter of final decision on the enquiry report if submitted by the University within a maximum period of two weeks from the date of receipt/production of such enquiry report and in any event after expiry of two months from today, if no decision is taken by the respondents, the petitioners would be entitled to payment of back wages and current salary until adverse order is passed by the University and the State after due enquiry.

Put up this case for admission after two months.”



6. The aforesaid order dated 28.02.2018 manifests that this Court has granted opportunity to the respondents to take appropriate decision in accordance with law, so far as payment of salary to these petitioners is concerned. On 23rd of August, 2018 the Court has noted the attitude of the respondents in seeking adjournments after adjournments. Thereafter the respondent-State came with a stand that the University may pay from its own resources.

7. During the pendency of these writ petitions the State Government constituted its own three-men Committee as indicated hereinabove and the Additional Chief Secretary cum Principal Secretary of the Education Department relying upon the report of the three-men Committee constituted by the State Government issued direction for the termination of all the appointments of 129 non-teaching employees. The report of the three-men Committee is enclosed as Annexure-A to the supplementary counter affidavit. The case of non-teaching employees of Maharaja college, Ara finds mention at Sl No. 1 to Sl. No. 56 which admits the appointment on the post of Lab Incharge and other posts in different Departments. It also refers to the advertisement in daily newspaper for the purpose of appointment. The case of non-teaching employees of M.V.



College, Buxar finds mention at Sl. No. 57 to 79. The appointment was made pursuant to advertisement in daily Search Light dated 4.12.1981. So far as S.N.College Rohtas is concerned the report mentions about the date of appointment and joining of the petitioners in the report there is mention that there is no evidence of advertisement. The same is the case of D.K.College, Dumraon names of non-teaching employees find mentioned at Sl. Nos. 96 to 102. In A.S. College, Bikramganj the report mentions that the appointments were made after advertisement in Aryavart, the names of employees of the college find mention at Sl. Nos. 103 to 110 and 115. In JLN, College, Dehri-on-sone there is reference of appointment in 1979-80 and in some of the cases there is reference of advertisement in Indian Nation like Sl. Nos 108, 109 and 111. So far as the J.L.N. college is concerned appointments of non-teaching college of college finds mention at Sl. Nos. 110 to 115. There report mentioned about the advertisement in Indian Nation. So far as J.J. College, Ara is concerned the non teaching employees the figures at Sl. Nos. 116 to 119. The report admits about the claim of the appointment. The report indicates that there was no advertisement. Similar is the case of Shankar College, Sasaram where the appointees were appointed initially on the post Lab Incharge but without



advertisement. Sl. Nos. 123 and 129 are the persons against whom the report mentions that no document was produced by the University before the Committee.

8. During the course of argument, Mr. Ashutosh Ranjan Pandey, learned AAG-15 highlighted the infirmities in the appointment and regularization of the petitioners. He submitted that in some of the cases appointments were made by the Principal of the Colleges and all these appointments were made without advertisement. No roster was followed. He submits that although the State has no direct role to play in the matter of regulating the affairs of the University but being the pay master the State has definite role in the matter of issuing direction to the University to act in accordance with the Act and statute. He submits that regularization is not mode of appointment and he placed reliance on the judgment of the Apex Court in the case of *Secretary, State of Karnataka & Ors. Vs. Umadei & Ors.* : (2006) 4 SCC 1 and the judgment of the Full Bench of this Court in the case of Ram Sevak Yadav reported in 2013. He has placed reliance on the report of the 3-men Committee and with reference to Sections 35 and 10(6) of the Bihar Universities Act. He submitted that the appointment of the petitioners are *void ab initio*. Therefore, there is no question of their regularization and



the action of the University in regularization of their services is against the law and per se nullity. The details of argument of Mr. Ashutosh Ranjan Pandey is as follows.

(i) Mr. Ashutosh Ranjan Pandey, learned counsel appearing on behalf of the State admits that the State has absolutely no jurisdiction to reopen the matter where regularization was done under the order of the writ court. Whether the State has any jurisdiction to dictate the University how the University will function and how the University will take decision.

(ii) Mr. Ashutosh Ranjan Pandey admits that the State has no jurisdiction to interfere in the autonomy of the University. It can only issue guideline so that the University may act in accordance with the act and statute framed thereunder as the State Government is pay master and it provides fund to the University as such it has every right to issue guideline to the University to act within the four-corners of the Act and Statute.

(iii) Mr. Ashutosh Ranjan Pandey submits that in the matter of regularization the University is required to follow the roster to that effect the State has power to interfere in the affairs of the University when there is breach of roster in the matter of regularization.



(iv) Mr. Ashutosh Ranjan Pandey further submits that State has invited the attention of the University to the letter no. 1820 dated 17.11.1998 which was issued by the State Government in terms of judgment of the Full Bench in the case of Braj Kishore Singh & Ors. Vs. The State of Bihar and Ors. reported in (1997)1 PLJR 509.

(v) Mr. Pandey submits that since requisite information was not received from the University, therefore, the State has proceeded that appointments and regularization is contrary to law and illegal. He clarified that earlier on the direction of the State enquiry was made at the level of the University and thereafter State constituted its own team to verify the fact and requisite information was not received by the committee constituted by the State and as such they have drawn inference that entire action of the University in relation to regularization is illegal and without jurisdiction.

(vi) In the aforesaid backdrop, the State Government issued letter to terminate the service of 129 non teaching employees regularized by the Veer Kunwar Singh University. He further submits that the State Government has issued direction for vigilance enquiry into the matter of regularization.



(vii) Mr. Pandey submits that on the basis of report of the three men committee, Additional Chief Secretary cum Principal Secretary issued direction for termination of the service of 129 non teaching employees of Veer Kunwar Singh University. He finally submitted that appointment was contrary to Act and statute and regularization in teeth of letter no. 1820 dated 17.11.1998 and therefore the State took decision to terminate service of the 129 employees of Veer Kunwar Singh University whose appointment was made against non sanctioned post.

(viii) Mr. Pandey submits that 129 persons were appointed against non sanctioned post. They were appointed by the Principal of the College having no such jurisdiction.

(ix) Mr. Pandey submits that most of the persons have been appointed without advertisement and selection process and the appointment was neither approved by the University nor by the State Government in terms of Section 35 of the Bihar State University Act.

(x) Mr. Pandey submitted that no reservation policy was followed in the matter of appointment and there is no material collected during the enquiry that these 129 persons were



regularly working and regularization was done in teeth of letter no. 1820 dated 17.11.1998.

(xi) Learned counsel appearing on behalf of the State submits that in terms of judgment of the Full Bench in Ram Sevak Yadav the State came to the conclusion that the appointment are illegal and therefore, action of the University in regularizing their service are illegal and without jurisdiction. He submits that illegality cannot be perpetuated which was the basis to regularize the service of the 129 non teaching employees.

9. Learned counsels appearing on behalf of the petitioners submits that earlier regularization of 129 persons were made on the basis of requirement of non teaching staff in the different constituent unit of the University and during the course of scrutiny the University has rejected the claim of regularization of those whose claim was found to be not based on materials as to validity of the appointment on staffing pattern and continuity of the service for the purpose of regularization.

10. Mr. P.K. Verma submits that University in the process of scrutiny constituted three man committee and the three man committee after scrutiny declared that the appointments were made against staffing pattern. He submits that after order of the Court payments have been made but no



arrears was paid. The University has not made payment with effect from the initial date of appointment as there is no adequate evidence to accept the claim for payment of arrears.

11. Mr. Verma, learned senior counsel for the University submits that the decision to terminate 129 persons have been taken by the University on the direction of the State Government vide letter no. 468 dated 15.7.2019 and not on its own decision.

12. Mr. Verma admits that the report of three-man committee of the University on scrutiny of case of 129 non teaching employee was considered by the Vice-Chancellor of the University in the process of regularization. He submitted that three man committee submitted report in favour of the 129 employees which was accepted by the University.

13. In addition to 129 non teaching employees claim of a large number of non teaching employees for regularization was also considered and after due scrutiny their case was rejected by the University as the University on verification did not find any substance in their claim so far as regularization is concerned.

14. Mr. P.K. Verma, learned senior counsel appearing on behalf of Veer Kunwar Singh University has clarified that



before taking decision to regularize the services of 129 non-teaching employees, the University has constituted its own screening committee and after due scrutiny they have considered only 129 candidates fit for grant of benefit of regularization. While taking such decision factual enquiry as to their initial appointment, their continuity in service, availability of posts under the staffing pattern and the direction of the Writ Court were considered and the University has rejected large number of cases for regularization after scrutiny as the University on scrutiny was not satisfied about the genuineness of their claim. However, he admits that after report of the 3-men Committee the University has taken decision to regularize the services and on being faced with the situation whether the decision satisfies the requirement of Section 10(6) of the Act or not. Mr. Verma fairly submitted that the decision was taken by the University including the Vice-Chancellor.

15. Apart from the oral submission the petitioners have filed written notes of argument. The petitioners have highlighted in their written notes of arguments the issue of staffing pattern, the judgment of the Full Bench in Braj Kishore Singh, the scrutiny as to genuineness of the claim of the petitioners by the University and they submitted that the entire



action of termination of the petitioners by the respondent-University is at the dictate of the State is illegal, arbitrary and without jurisdiction. They have also highlighted that in several cases there are direction of writ Court and therefore, in view of those directions the cases of the petitioners were considered by the University and thereafter they have been regularized. They submitted that in the process of regularization there is no question of adherence to the roster or reservation policy which is sheet anchor of the State in finding fault with the appointment/regularization.

16. The State of Bihar has also filed notes of written arguments in which it has focused violation of Sections 10(6) and 35 of the Act. The letter No. 1820 dated 17.11.1998 of the State Government whereby detail was sought from the University with regard to regularization made after 21.8.2015. The written notes of arguments highlights the failure on the part of the Vice Chancellor of the University in taking action in respect of the regularization, passed by the predecessor Vice Chancellor of the University and the document by which the Principal Secretary of the Education Department directed Vigilance enquiry into the matter and the direction to the University to annul the decision of the regularization. For ready



reference the entire written notes of arguments filed on behalf of the State is quoted below:

WRITTEN ARGUMENT ON BEHALF OF THE
RESPONDENT NOS. 1,2, AND 3, STATE OF BIHAR

C.W.J.C NO. 12657 OF 2017

Mithilesh Kumar Singh & Ors.....**Petitioners.**

Versus

The State of Bihar & Ors.....**Respondents**

Relief : - That the present writ application has been filed by the petitioner for following Reliefs:-

- i) For quashing the letter no. 1546 dated 24.10.2016 issued under the signature of respondent Director, whereby and whereunder the Registrar of the University was directed to terminate the service of 129 persons including the petitioners with immediate effect.
- ii) For direction to the respondent authorities to release the current salary of the petitioner as well as the arrears of salary payable to the petitioners in the light of order dated 21.07.2013 passed in MJC No. 1252 of 2012.
- iii) That by filing I.A. petition, the petitioners have challenged the order as contained in memo no. 1386 dated 29.06.2019 whereby the appointment and regularization of 129 non teaching employees of the university has been found illegal and accordingly, the university has been directed again to remove 129 non-teaching employees immediately, if they have not already been removed in compliance of earlier direction of the state government.

WRITTEN ARGUMENT ON BEHALF OF STATE OF BIHAR:

1. That section 10(6) of the Bihar State Universities Act, 1976 provides that :

“(6). The Vice-Chancellor shall subject to the provisions of this Act, the statutes and the ordinances have power to make appointment to posts within the sanctioned grades and scales of pay and within the sanctioned strength of the ministerial staff and the other servants of the university not being teachers and



officers of the university and have control and full disciplinary powers over such staff and servants”.

2. That section 35 of the Bihar State Universities act, 1976 provides that :

“35. No post for appointment shall be created without the prior sanction of the state government.-

Notwithstanding anything contained in this Act, no University or any Colleges affiliated to such a university, except such college

(a) as is established, maintained or governed by the state government : or

(b) as is established by a religious or linguistic minority ;

(i) After the commencement of this Act no teaching or non-teaching post involving financial liabilities shall be created without the prior approval of the state government.

(ii) shall either increase the pay or allowance attached to any post, or sanction any new allowance ;

Provided that the state government may, by an order, revise the pay scale attached to such post or sanction any new allowance.

(iii) Shall sanction any special pay or allowance or other remuneration of any kind including ex-gratia payment or any other benefit having financial implication to any person holding a teaching or non-teaching post;

(iv) Shall incur expenditure of any kind on any development scheme without the prior approval of the state government.

2. Notwithstanding anything contained in this Act, no college other than one mentioned in clauses (a) and (b) of Sub-section (1) shall, after the commencement of this Act, appoint any person on any post without the prior approval of the state government.

Provided that the approval of the state government shall not be necessary for filling up a sanctioned post of a teacher for a period not exceeding six months, by a candidate possessing the prescribed qualification.

3. Any appointment or promotion made contrary to the provisions of this Act, or Statutes, Rules or Regulations made there under or made in irregular or unauthorized manner shall be invalid and shall be terminated at any time. The expenditure incurred by the



university against such appointment or promotion shall be realized from the officer making such appointment or promotion as public demand under the provisions of the Public Demands Recovery Act, 1914.

4. That the Human Resources Development Department / Education Department, Government of Bihar by its circular no. 989 dated 10.05.1991 issued certain significant instruction in respect of the “Staffing Pattern” which is to be followed by the universities and other Higher Educational Institution in the state Bihar. According to said circular, only those employees were entitled to be regularized who were appointed up to 10.05.1986 against the sanctioned vacant post by the competent authority after following the dues process of law. It is important to mention here that the said circular was withdrawn by the state government by letter dated 28.11.1995.

The Photocopy of the circular dated 10.05.1991 and letter dated 28.11.1995 are being annexed herewith and marked as **Annexure-A & B respectively.**

5. That in view of the judgement passed by this Hon’ble Court in Braj Kishore Singh’s case reported in 1997 (1) PLJR 509, the State Government vide its letter no. 1820 dated 17.11.1998 directed the universities to consider the regularization of the services under the staffing pattern of those employees only who fulfill the following criteria :-

- (a) The post on which the employees is working was sanctioned under the staffing pattern at the time of the appointment.
- (b) The employee was having requisite qualification at the time of appointment.
- (c) The employee was appointed by the competent authority.
- (d) The employee was appointment by following the Act and Rule as well as in terms of Article 14 & 16 of the constitution of India or the appointment was made on the basis of interview by the selection committee after publication of the vacancy in the Newspaper.
- (e) After appointment whether the employee is continuing in service. This aspect is to verify by examining the attendance register and payment register.



Report is to be sent by the university in the format attached to the said letter.

The Photocopy of the letter no. 1820 dated 17.11.1998 is being annexed herewith and marked as **Annexure -C.**

6. That it is important to mention here that the final decision regarding regularization of non-teaching employees under the staffing pattern is to be taken by the state government, if the university recommends the case of such employees in terms of the letter of the state government dated 17.11.1998..

7. That during course of scrutiny of record by the Department relating to regularization of Anil Kumar Rai, a meeting was held between the officials of the state government and the authorities of Veer Kunwar Singh University, it was came into light that number of regularization was made by the university by illegal and unauthorized manner in the grab of several orders passed by the Hon'ble Court.

8. That thereafter the state government vide its letter no. 1666 dated 21.08.2015 requested the university to provide the detailed report with relevant documents regarding irregular appointment / regularization made since 2008 along with the action taken report against the officials and the employees responsible for the same.

The Photocopy of the letter no. 1666 dated 21.08.2015 is being annexed herewith and marked as **Annexure -D.**

9. That the authority of the university failed to comply the request of the state government, the state government vide its letter no. 2077 dated 12.10.2015 again requested the university to make available the detailed statement regarding erring officers / employees involved in illegal appointment / regularization including making illegal payment to such employees failing which the department will be compelled to recommend for Vigilance enquiry into the matter and lodging criminal case.

The Photocopy of the letter no. 2077 dated 12.10.2015 is being annexed herewith and marked as **Annexure-E.**



10. That it is stated that the Vice Chancellor of the university vide its letter dated 02.12.2015 expressed his liability in taking action the decision / order in respect of regularization passed by the then Vice Chancellor as the same is required independent and legal enquiry and accordingly requested the state government to get the matter enquired through high level authority.

The photocopy of the letter dated 02-12-2015 is being annexed herewith and marked as **Annexure-F.**

11. That the Registrar of the University vide its letter dated 07.01.2016 informed the department that the employees were regularized by the then Vice Chancellors on the recommendation of enquiry committee and the university is not competent to take action against the vice Chancellor. The State government is the competent authority to take appropriate decision in this regard.

The photocopy of the letter dated 07.01.2016 is being annexed herewith and marked as **Annexure-G.**

12. That as stated above, large numbers of employees have been regularized by the university by authorized and illegal manner which is evident from the letter of the university dated 02.12.2015 and 07.01.2016 as well as minutes of meeting dated 27.03.2015.

The Photocopy of the minutes of the meeting dated 27.03.2015 is being annexed herewith and marked as **Annexure-H.**

13. That it is stated and submitted that Education Department under the aforesaid compelling circumstances vide letter no. 327 dated 30.02.2016 has requested the Principal Secretary, Vigilance Department, Government of Bihar to enquire into the matter regarding illegal appointment / regularization made by the Veer Kunwar Singh University, Ara. It is stated here that list of 129 employees who were appointed / regularized by the University in the year 2011 and 2012 is attached to the letter.

The photocopy of the letter no. 327 dated 30.02.2016 along with list of 129 employees are being



annexed herewith and marked as
Annexure-I.

14. That it is also important to mention here tht the Education Department vide its letter no. 1546 dated 24.10.2016 directed the university to terminate the service of the employees illegally appointed / regularized by the university as such and take action against the erring officials and recover the amount from him. Reminder letter was also sent by the department by letter no. 640 dated 13.04.2017, letter no. 1133 dated 07.06.2017 and letter no. 1357 dated 14.07.2017.

The photocopy of the letter no. 1546 dated 24.10.2016, letter no. 640 dated 13.04.2017, letter no. 1133 dated 07.06.2017 and letter no. 1357 dated 14.07.2017 are being annexed herewith and marked as **Annexure -J Series.**

15. That during the pendency of the writ application, the university has constituted a committee and after being enquired into the matter has sent a report dated 23.02.2018 to the Education Department vide letter no.606 dated 09.03.2018. The said report was sent by the university without any forwarding letter. Subsequently forwarding letter was sent along with, enquiry report.

The photo stat copy of the letter no.606 dated 09.03.2018 along with report are being annexed herewith and are marked as **Annexure -K.**

16. That thereafter the state government repeatedly requested the university to provide documents relied upon in enquiry report of the university, but he university has failed to provide the same. Thereafter, in given condition, Education Department constituted three men enquiry committee vide its letter no. 1554 dated 29.08.2018 to enquire into the documents in the university relating to service of 129 non teaching employees and the documents relied upon in report of the university and accordingly submit report.

17. That in this connection, it is stated here that a said committee camped at the university from 30.08.2018 to 07.09.2018 and after detailed scrutiny of



the individual 129 employees, submitted its report on 18.09.2018.

The photo stat copy of the report dated 18.09.2018 is being annexed herewith and is marked as **Annexure-L**.

18. That at this stage, it is important to mention here that entire facts including the report submitted by the three men committee as aforesaid, has been considered by the Additional Chief Secretary of Education Department, government of Bihar and accordingly an office order has been passed as contained in memo no. 1386 dated 29.06.2019 whereby the appointment and regularization of 129 non teaching employees of the university has been found illegal and accordingly. The university has been directed to remove non-teaching employees immediately, if they have not already been removed in compliance of earlier direction of the state government. The university has been further directed to recover the amount paid to the 129 non-teaching employees as such from the officers / employees involved in making illegal appointment / regularization.

The photo stat copy of the letter no. 1386 dated 29.06.2019 is being annexed herewith and is marked as **Annexure-M**.

19. That at this stage, it is important to mention here that from aforesaid report it is evident that the 129 non-teaching employees were appointed against unsanctioned post. They were appointed by the principal of the college. The principal of the college is not authority to appoint u/s 10(6) of the Bihar State universities Act. Most of such employees were appointed without any advertisement and recommendation of the selection committee. Their appointment was neither approved by the university nor by the state government u/s 35(2) of the Bihar State University Act. Appointments were made without following the reservation policy and roster points. During the course of enquiry no evidence was found regarding continuity of their services.

20. that it is further important it is mention here that the services of 129 employees was regularized under the staffing pattern in violation of the letter of the state government bearing letter no.1820 dated 17.11.1998.



21. That the matter of regularization of daily wage / casual worker has been decided by the Full Bench of this Hon'ble Court in a case reported in 2013 (1) PLJR no. 964 (Ram Sewak Yadav Vs. The State of Bihar). In para 43 of the said judgement this Hon'ble Court has held as follows :-

(A) Uma Devi (supra) prohibits regularization of daily wages, casual, ad-hoc and temporary appointments, the period of service being irrelevant ;

(B) An illegal appointment void abinitio made contrary to the mandate of Article 14 without open competent selection cannot be regularized under any circumstance.

(C) Irregular appointment can be regularized if the appointment was made by an authority competent to do so, it was made on a vacant sanctioned post, in accordance with Article 14 of the constitution with equal opportunity for participation to others eligible by competitive selection and the candidate possessed the eligibility qualifications for a regular appointment to the post.

(D) The appointment must not have been individual favour doled out to the appointee alone and the person must have continued in service for over ten years without intervention of any court order.

22. That in view of the facts stated above, the writ application is fit to be dismissed.

17. From the discussions made hereinabove, the Court finds that the main contention of the State is with regard to non-adherence to the statutory provisions of Sections 10(6) and 35 of the Act, non adherence to the roster and reservation policy in the process of regularization, non-publication of advertisement in some of the cases in the newspaper.

18. Mr. Ashutosh Ranjan Pandey has heavily relied upon judgment of the apex court in Uma Devi case to support



the action of the respondent State in directing the University to dispense with the service of the petitioners and the and the judgment of **Ramsevak Yadav Vs. the Stae of Bihar reported in 2013 (1) PLJR 962** but while making submission the State has forgotten the principle laid down by the Apex Court in the case of the **State of Bihar Vs. Sunny Prakash: (2013) 3 SCC 559** where the Apex Court has occasion to consider the effect of agreement between the State of Bihar and the Federation of the non-teaching employees. The objection as to non-statutory form of the agreement and other formalities for reducing the agreement in writing was rejected by the Apex Court and the Apex Court approved the judgment of the Patna High Court in the case of Sunny Prakash (Supra) and directed the respondent-State to honour their own agreement reached in between the State of Bihar and the petitioners' Federation. In the instant case the judgment of the Apex Court in the case of Sunny Prakash (Supra) applies with full rigour as the concept of staffing pattern originated on account of agreement between the State and the Federation of the non-teaching employees as indicated hereinabove. The Principle as to deemed sanction on the basis of staffing pattern was laid down by the Full Bench of this Court in the case of Braj Kishore Singh (supra). The emphasis on the



judgment in the case of Uma Devi (supra) by the State in order to support their action is misconceived inasmuch as subsequent judgment of the Apex Court in the case of *Amarkant Rai vs State of Bihar & Ors.* reported in (2015) 8 SCC 265 which has considered the judgment of the Apex Court in the case of Uma Devi (Supra) was totally ignored. The Apex Court noticed the exploitation of daily wager Amarkant Rai for 29 years and finally directed reinstatement/ regularization of Amarkant Rai who was appointed on daily wage basis on the post of Night Guard. The case of these petitioners stand on much better footing as these petitioners were engaged not on daily wage basis, they were appointed in exigency of situation on regular basis to cater the increased work load and they were allowed to work for nearly three decades or even more and they have been regularized after report of the three-men Committee of the University. Recently, the Division Bench of this Court has considered somewhat similar issue in the case of Jai Prakash University, Chhapra Vs. State of Bihar and others: where the Division Bench has noticed similar fact situation of termination. The Division Bench has considered the judgment of the Single Judge in Abdul Salam CWJC No. 2002/2010 decided on 21.9.2010 which was affirmed by the Division Bench in LPA



No. 981 of dated 11th July, 2007 and the SLP against the Division Bench was dismissed on 27.2.2009 in that case also appointment was notified by the Principal of the College as discussed hereinabove in most of the cases of the petitioners the post was notified in the daily news papers by the Principal of the college. The appointment was subsequently followed by the office order of the Vice Chancellor. In the present case also the requirement of appointment by the Vice-Chancellor under Section 10(6) of the Act stands satisfied by the decision of the University which has approval by the Vice Chancellor. The Division Bench has considered the judgment of the Apex Court in Uma Devi's case (Supra). The judgment of the Full Bench in **Ram Sevak Yadav's case: 2013 (1) PLJR, Veer Kunwar Singh University Vs. (2009) 17 SCC 184, Nald Lal Bhagat Vs. The State of Bihar and others** a Division Bench judgment dated 25th July, 2013. The Court has noted the requirement of Lab Assistant and the background in which the appointment was made during ban of appointment from 18.9.1979. The Court has noted the submission of the appellant that in the case of regularization the judgment of the Braj Kishore Singh, Uma Devi, Ram Sevak Yadav are relevant but the benefit of regularization can be extended only if the appointment was



regular and against the sanctioned post. The issue of sanctioned post stands concluded by the judgment of the Full Bench in Braj Kishore Singh. The Full Bench has held out that the post falling in the staffing pattern are deemed sanctioned post and if there is deemed sanctioned post, the University has every authority to take appropriate decision with regard to appointment. The Court is of the view that the power under Section 10(6) can be exercised by the Vice Chancellor of the University at the stage of initial appointment or at the later stage when the University considers the case under the deemed sanctioned post as has been done in the present case. The Court finds that the requirement of Section 10(6) of the Bihar State Universities Act stands satisfied in the present case. So far as the objection of Section 35 is concerned, in view of the law laid down by the Full Bench in Braj Kishore Singh's case followed by letter No. 1820 dated 17.11.98, the Court has no option but to hold that the appointment of the petitioners continued for three decades cannot be faulted as illegal and without jurisdiction. In addition thereto, the decision of the Apex Court in Amarkant Rai is indicative of the fact that the petitioners have worked for three decades irrespective of the fact whether the appointment is daily wage was fit case for regularization. It is on record that



Additional Chief Secretary cum Principal Secretary has directed the University to dispense with the services of 129 non-teaching employees.

19. Mr. Verma during his argument has admitted this position that University has acted on the direction of the State Government and their affidavit on the record is also indicative of the fact that it is the decision of the State Government that was honoured by the University in the matter of termination of the services of the petitioners. Taking decision on the dictates of the State Government is illegal exercise of power. The Apex Court has occasion to decide such issue in the case *Purtabpur Sugar Mill Vs. Cane Commissioner*: AIR 1970 SC 1896. In view of the judicial pronouncement of the Apex Court in *Cane Commissioner's* case the action of the University in dispensing with the services of the petitioner at the dictate of the State Government is unsustainable.

20. It is to be noted here that the University is free in the matter of appointment of non-teaching employees against the sanctioned post and Section 35 of the Act has absolutely no application, where the posts are sanctioned, the same reasoning applies in the case of deemed sanction post i.e. staffing pattern in view of the judgment of the Full Bench.



21. In the result, all these writ petitions succeed. The impugned order dated 29.6.2019 contained in memo no. 1386 dated 29.6.2019 issued by the Additional Chief Secretary and the follow up decisions of the University contained in memo no. 1909 dated 15.7.2019 whereby the Principal of the concerned Colleges were directed to dispense with the services of the petitioners and the follow up decision of the Principals of the Colleges are hereby quashed.

22. The petitioners are directed to be reinstated.

23. With the aforesaid, all the writ petitions stand allowed and disposed of.

(Anil Kumar Upadhyay, J)

spandey/Ravi

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	25.09.2019
Transmission Date	NA

