

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6405 of 2018

1. Gupteshwar Upadhyay son of Sri Sata Upadhyay village Baisa Dih, District at Bhojpur, at present posted on Lecturer of History Jehanabad College Jehanabad.
2. Rabindra Sharma son of Chandrashekhar Prasad Singh Ghejan House, Professor Colony, District at Jehanabad, at present posted Lecturer of History Jehanabad College Jehanabad.
3. Ram Charitar Sharma son of Chandeswar Sharma S.S.S. Nagar, Court Area, District at Jehanabad. At present posted Lecturer of Mathematics Jehanabad College Jehanabad.
4. Vijay Narayan son of Krishn Nandan Sharma Pithvas, District at Patna at present posted Lecturer of Philosophy Jehanabad College Jehanabad.
5. Dr. Bijendra Sharma son of Ramdeo Sharma Village Bishunpur, P.O. Bhagwanpur, Hulasganj, District at Jehanabad, at present posted Lecturer of Phycology Jehanabad College Jehanabad.
6. Dr Ramesh Kumar son of Late Rajeshwar Prasad Singh Village Chesi, P.S. Naubatpur, District Patna, at present posted Lecturer of Hindi, Jehanabad College Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Department of Education Government of Bihar, Patna.
3. The Director Higher Education, Department of Education, Government of Bihar, Patna.
4. The Vice Chancellor, Magadh University, Bodh Gaya, Bihar.
5. The Registrar, Magadh University, Bodh Gaya, Bihar.
6. The Principal Jehanabad College Jehanabad affiliated by Magadh University Bodh Gaya, Bihar.
7. The Governing Body Jehanabad College Jehanabad affiliated by Magadh University Bodh Gaya, Bihar.
8. The Secretary Jehanabad College Jehanabad affiliated by Magadh University Bodh Gaya, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Dayal, Advocate
For the Respondent/s : Mr. Kameshwar Kumar, GP-17

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 22-07-2019 Heard learned counsel for the petitioners and the



counsel appearing on behalf of the University as well as Governing Body.

Petitioners have approached this Court aggrieved by non-compliance of the decision of the University dated 25.11.2016 contained in Annexure-3 whereby University decided to approve the permanent appointment of the petitioners and others.

Learned counsel appearing on behalf of Governing body with reference to para-14 of the counter affidavit submits that Governing body is ready to implement the decision of the University dated 25.11.2016 but on account of certain typographical error, it has not been acted upon. However, para 12 and 13 of the counter affidavit reads otherwise which is quoted herein below:

“12. That it is also relevant to mention here that again a letter dated 21.1.2018 was issued under the signature of the Registrar of the University addressed to all the Principal/In-charge Principal of the Affiliated Colleges by which a request was called for to send the list of the appointed teachers/lecturers after recommendation of their names by Colleger Service Commission/Selection Committee of the College constituted by the University in the prescribed from.

13. That thereafter Jehanabad College, Jahanabad sent the list of 58 Lecturers who were appointed either after recommendation of College



Service Commission or Selection Committee constituted by the University and still working as Lecturers in different subject and thereafter the University issued letter no. 195 dated 7.8.2018 by which list of 58 lecturers including the petitioners working in different subjects in Jehanabad College, Jehanabad was approved and sent to the College for their confirmation and permanent appointment with effect from the date mentioned in the list.”

In view of the aforesaid fact the plea as to clarification from the University is unsustainable as clarification from University also reached the Governing body. In view of the above, the spacious plea of typographical error is now no more available.

Accordingly, the present writ application is allowed and the respondents Governing body is directed to implement the decision of the University or face the consequence of (a) withdrawal of affiliation (b) stoppage of all financial assistance by the State Government, the University as well as the State Government is required to take appropriate steps in the light of the observation made herein above after opportunity to the Governing body in case of non-compliance of the decision of the University regarding approval of permanent appointment of petitioners.

Necessary decision in this regard must be taken by the respondents Governing Body within a maximum period of 60



days from the date of receipt/production of a copy of this order,
failing which University as well as State Government shall take
appropriate decision against the institution in question as
indicated above.

(Anil Kumar Upadhyay, J)

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