

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13064 of 2016

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Deepak Kumar S/o Ram Ishwar Prasad Srivastava at Deep Bhawan, Deep Nagar, Gulzarbagh, Road No.5, Patna City, Patna-8.

... .. Petitioner/s

Versus

1. Bihar Agriculture University, Sabour, Bhagalpur through the Registrar
2. The Vice Chancellor, Bihar Agriculture University, Sabour, Bhagalpur.
3. The Registrar, Bihar Agriculture University, Sabour, Bhagalpur.
4. The Director Administration, Bihar Agriculture University, Sabour, Bhagalpur.
5. The Officer-in-Charge Recruitment, Bihar Agriculture University, Sabour, Bhagalpur.
6. The Hon'ble Governor-cum-Chancellor, Bihar Agriculture University, Sabour, Bhagalpur, Raj Bhawan, Bihar, Patna
7. The Officer on Special Duty Judicial, Governor, Secretariat, Bihar, Raj Bhawan, Patna.
8. Bihar Animal Science University, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Namrata Mishra
For the Respondent/s : Mr.Rajendra Kumar Giri

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 16-05-2019

1. The present writ petition has been filed for quashing the order dated 06.08.2013 issued by the Director (Administration), B.A.U., Sabour, Bhagalpur, whereby and whereunder the appointment of the petitioner on the post of Store Clerk at the Sanjay Gandhi Institute of Dairy Technology, Patna, has been terminated. It is further prayed that the petitioner be reinstated on the post of Store Clerk.



2. At the outset, in response to the query made by this Court and the instruction received by the learned Senior Counsel appearing for the Bihar Animal Sciences University, Patna, it is submitted by the learned Senior counsel that six posts of Store Clerks belong to the general category are vacant and if this Court directs, then the University shall consider re-appointing the petitioner on the post of Store Clerk.

3. Having regard to the fair submission made by the learned Senior Counsel appearing for the Bihar Animal Sciences University, the learned counsel for the petitioner submits that the case of the petitioner be directed to be considered by the University sympathetically.

4. In view of the peculiarity of the present case, inasmuch as the petitioner has worked for more than a decade, this Court finds that his case is required to be considered sympathetically by the University for the purposes of appointment as Store Clerk in the general category.

5. Having regard to the submissions made by the learned Senior counsel and the learned counsel for the parties, I deem it expedient and in the interest of justice, to direct the University to sympathetically consider the case of the petitioner for re-appointment on the post of Store Clerk in view of the fact



that he has worked as Store Clerk in the University for more than a decade, even if his case has to be considered under the general category, especially since admittedly, six posts of Store Clerk are lying vacant.

6. It goes without saying that since the present order is being passed in the peculiar facts and circumstances of the present case, it shall not be treated to be a precedent in future. It is further directed that in case, the petitioner is re-appointed, the petitioner will not be entitled to back wages, however, the University may consider granting benefits of past services to the petitioner for the purposes of computation of the pensionary benefits. The entire exercise as aforesaid, is directed to be completed within a period of eight weeks from today.

7. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.05.2019
Transmission Date	NA

