

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11217 of 2016

Baidyanath Jha @ Baidhnath Jha S/o Late Bhimeshwar Jha resident of village
and P.O. Jaideopatti, P.S. Ghanshyampur, District – Darbhanga ... Petitioner/s
Versus

1. The State of Bihar
2. The Principal Secretary, Higher Education Department, Government of Bihar, Patna
3. The Vice-Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
4. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
5. The Principal, Laxmi Narayan Rameshwar Sanskrit College, Jaideopatti, Darbhanga

... ... Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Dhirendra Kumar Jha
		Mr. Barun Kr. Choudhary
For the Respondent/s	:	Mr.Md. Harun Quarashi

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 09-07-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

2. Petitioner claims that he is working as Safaikaar in
L.N.R. Sanskrit College, Jaideopatti, Darbhaga.

3. He has earlier approached this court in C.W.J.C.
No. 4000 of 2014 and the writ petition was disposed of with
direction to the respondent University to take appropriate
decision. The issue of regularization of the non-teaching staff
at the touchstone of staffing pattern was considered by the full
Bench of the Patna High court in **Braj Kishore Singh vs.**



State of Bihar 1997(1) BLJR 652: 1997 (1) PLJR 509 and following the said judgment of the Full Bench, the Division Bench of this Court in the case Bihar Sanskrit Mahavidyalya Pradhyapak Karamchari Mahasangh & Ors. in C.W.J.C. No. 9222 of 1991 and analogous cases also issued direction to the respondents to consider the case of the employees working in different colleges under the Sanskrit University.

4.The judgment of the Division Bench is contained in Annexure-3.

5.Learned counsel appearing on behalf of the petitioner would submit although the petitioner has been working since 1980 and University has considered the case of similarly circumstanced in the matter of regularization. He referred the decision contained in Annexure-4 to the writ application which indicates that 15 persons working on the post of Ward Servant, Mali and Safaikaar have been considered for regularization in different colleges under Kameshwar Singh Darbhanga Sanskrit University.

6.Learned counsel appearing on behalf of the University submits that there is no sanctioned post of Safaikaar. The issue of sanction of post has been considered by the Full Bench in the case of Braj Kishore Singh (Supra) based on



staffing pattern of post. The Full bench after deciding the law directed the respondent to consider the case of regularization of the persons working since long following the judgment of the full Bench.

7.The State has also issued guideline vide letter no. 1820 dated 17.11.1998 but unfortunately the case of the petitioner was not scrutinized by the respondents at the touchstone of the letter no. 1820 dated 17.11.1998 and also without appreciating the judgment of the full bench and the fact that similarly circumstanced other Safaikars in the University have been regularized, the respondent University has taken decision rejecting the claim of the petitioner.

8.Considering the fact and circumstances discussed hereinabove, the writ petition is disposed of with direction to the respondent University to consider the case of the petitioner in the light of the judgment of the full bench and the guideline of the State Government contained in letter no. 1820 dated 17.11.1998 within a maximum period of four months from the date of receipt/production of a copy of this order.

9.While taking decision, the respondent University shall also consider the fact that similarly circumstanced other Safaikars have been regularized by the University.



10. With the aforesaid, the writ petition stands
disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

U			
---	--	--	--

