

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16423 of 2013

Teju Kumar Son Of Harendra Ram Resident Of Village - Mahuabagh, P.O.
Sahay Nagar, Police Station - Danapur, District - Patna

... .. Petitioner/s

Versus

1. Rajendra Agricultural University Bihar and Ors
2. The Vice - Chancellor, Rajendra Agricultural University, Bihar, Pusa, Samastipur
3. The Director Administration, Rajendra Agricultural University, Bihar, Pusa, Samastipur
4. Bihar Agricultural University, Sabour, Bhagalpur Through Its Registrar
5. The Vice - Chancellor, Bihar Agricultural University, Sabour, Bhagalpur
6. The Director, Administration, Bihar Agricultural University, Sabour, Bhagalpur
7. The Associate Dean - Cum - Director D.T. , Sanjay Gandhi Institute Of Dairy Technology, B.V. Coll
8. Arun Kumar Son of Sri Maloki Singh Resident of Village P.O. Nirpur, P.S. Chautham, District Khagaria, Presently working at sanjay Gandhi Institute of Dairy Technology, P.O. Bihar Veterinary College, Jagdeo Path, Patna-800014
9. Mukesh Kumar S/o Sri Mahesh Mahto Resident of Village- Rajopur, P.O. Darveshpur, District Nalanda, Presently working as Sanjay Gandhi Institute of Dairy Technology, P.O. Bihar Veterinary College, Jagdeo Path, Patna-800014
10. Raj Kumar Son of Sri Sudama Paswan Resident of Village- Bataganj Petrol Pump, Post- Bataganj, P.S. Digha, District - Patna-18, Presently working as Sanjay Gandhi Institute of Dairy Technolgy, B.V.C. Jagdeo Path, Patna-14
11. Navnit Kumar Son of late Ram Vinay Singh Resident of Village and P.O. Sarhanchiya, P.S. Aurai, District- Muzaffarpur, Presently working in Sanjay Gandhi Institute of Dairy Technology P.O. Veterinary College, Jagdeo Path, Patna-14
12. Amit Narayan Sinha Son of Sri Narayan Prasad Sinha Resident of Minu House Murghiachak, District Khagaria, Pin- 851204.
13. Triloki Nath Pandey, House No. I.A. Road No. 2 Adarsh Bihar Colony, Rukanpura, Jagdeo Path Near Son of Sri Sri Baidhyanath Prasad Resident of Village PostP.S. Athmalgola, District Patna.
14. Viresh Nath Son of Sri Baidhyanath Prasad Resident of Village PostP.S. Athmalgola, District Patna -803211
15. Dhananjay Kumar Son of Sri Kapildeo Prasad Singh Resident of Village P.O. Andi, P.S. Via Asthawan, District Nalanda.
16. The Bihar Animal Sciences University Veterinary College Campus Patna through its Registrar.



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shivendra Kishore, Sr. Adv.
For the Respondent/s : Mr. D.K. Sinha, Sr. Adv., Mr. Arvind Ujjwal, Adv.
Mr. Tej Bahadur Singh, Sr. Adv., Shashi Priya P.,
Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

21 16-05-2019 The present writ petition has been filed for quashing the order dated 06.08.2013 issued by the Director (Administration), Bihar Agriculture University, Sabour, whereby and, whereunder, the appointment of the petitioner on the post of Store Clerk, Sanjay Gandhi Institute of Dairy Technology, Patna has been terminated.

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 Sr. counsel that six posts of Store Clerks belonging 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.

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.



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

Having regard to the submissions made by the learned senior counsel and 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 there are six posts of Store Clerk which are vacant.

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.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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