

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3464 of 2017

Indra Nath Jha Son of Late Punya Nath Jha, Resident of Village- Sarvasima,
P.S. Bhairab Asthan, District- Madhubani, presently residing in 16, Lecturer
Quarter, B.R.A. Bihar University Campus, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Department, Government of Bihar, Patna.
3. The Director, Higher Education, Human Resources Department, Government of Bihar, Patna.
4. The Authorised Officer, Education P.V.C Department, Government of Bihar, Patna.
5. The B.R. Ambedkar Bihar University, Muzaffarpur through its Registrar.
6. The Vice Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur.
7. The Finance Officer, B.R. Ambedkar Bihar University, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Satish Chandra Jha-3, Advocate Mr. Mukesh Kumar, Advocate Mr. Shambhu Kumar Suman, Advocate Mr. Ram Naresh Jha, Advocate
For the State	:	Mr. Kameshwar Kumar, G.P. 17 Mr. Arbind Kumar, A.C. to G.P. 17
For the University	:	Mr. Rakesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 30-07-2019 Heard learned counsel for the petitioner, learned
counsel for the respondent State as well as learned counsel
appearing for the University.

The petitioner is aggrieved by the order dated
24.12.2014 in case No. 35 of 2014 (B.R.A.B.U.) contained in
Annexure '1', whereby Mr. Justice S.N. Jha Committee has held
out that the petitioner is not entitled to continuance of service
from the date of initial appointment i.e. 24.06.1978. The basis of



the order of Justice S.N. Jha Committee is office order dated 26.11.1982 contained in Annexure '5', whereby the University has shifted the petitioner to S.L.K. College, Sitamarhi, on the ground that he was working as Lecturer in Sanskrit in Gopalganj College against a non-existent post.

Mr. Satish Chandra Jha, learned counsel appearing on behalf of the petitioner, has invited the attention of the Court to Annexure '2', the copy of the Advertisement published in the Newspaper for appointment on the post of Temporary Lecturers in the Subjects Hindi, English, Economics, History, Political Science, Philosophy, Sanskrit, Urdu. The petitioner, on the basis of the advertisement and selection, was appointed as Temporary Lecturer in the subject Sanskrit and was posted in Gopalganj College, Gopalganj. Annexure '3' is indicative of the fact that the petitioner was appointed after advertisement and due selection process. The appointment was made by the Vice Chancellore of the University. The advertisement was published by the University. The petitioner was regularly paid salary from the date of his initial appointment and joining dated 24.06.1978. Justice S.N. Jha Committee has held out with reference to Annexure '5' that the petitioner was posted against the sanctioned vacant post vide order dated 26.11.1982 and as such petitioner would be entitled to the benefit of regularization with



effect from 26.11.1982. Since the petitioner was appointed after advertisement and following selection process as Temporary Lecturer by the University, as in terms of the Statute for regularization, the petitioner was eligible for regularization. Since the selection process after advertisement was followed, therefore, the petitioner was entitled to count his seniority from the date of his joining 24.06.1978 pursuant to initial appointment letter dated 14.06.1978.

In view of the aforesaid, the Court does not find the order dated 24.12.2014 passed by Justice S.N. Jha Committee as sustainable in law the order runs contrary to Regularization Statute and also against the decision of this Court reported in 2004 (1) PLJR 776.

In view of the above, the order dated 24.12.2014 contained in Annexure '1' is quashed. The respondents are directed to count the service of the petitioner with effect from 24.06.1978 and grant all consequential benefits. Necessary corrective decision with regard to the claim of the petitioner may be taken by the University within a period of 60 days from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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