

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18360 of 2017

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1. Maharaja Rameshwar Singh Mithila College, Anandpur (Sahora), Darbhanga through its Secretary, namely, Dr. Baidyanath Choudhary, Son of Late Rajendra Choudhary, resident of Village- Anandpur Sahora, P.S.- Ashok Paper Mill, District- Darbhanga.
 2. Dr. Baidyanath Choudhary, Son of Late Rajendra Choudhary, resident of Village- Anandpur Sahora, P.S.- Ashok Paper Mill District- Darbhanga and Secretary of Maharaja Rameshwar Singh Mithila College, Anandpur Sahora, Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Govt. of Bihar Patna.
4. Lalit Narayan Mithila University, Darbhanga through its Registrar, Kameshwar Nagar, Darbhanga.
5. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prem Kumar Jha
For the Respondent/s : Mr. AC to SC-13

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 12-07-2019 Heard learned counsel for the petitioner and the respondents.

The grievance of the petitioner in the present writ application is inaction on the part of the respondent-State in the matter of deciding the issue of sanction of post of Teaching and Non-teaching employee in the college, in question.

The college, in question, is permanently affiliated



degree college for imparting honours/pass course in different subjects way back in 1990. Considering the work load of the College, the University recommended the case of the petitioner-institution for sanctioning teaching and non-teaching posts. The matter is pending at the level of the State Government.

The State Government has the necessary jurisdiction to decide the teaching and non-teaching staff in accordance with law.

The post of teaching and non-teaching staff depends upon the work load. The University on consideration of the workload recommended the case of petitioner-institution for creation/sanction of teaching and non-teaching staff. The respondent cannot keep the matter of sanction of post pending for indefinite. The issue is pending for since 1990 and the last reminder sent by the University is dated 03.11.2010.

We are in 2019. Considering the inordinate delay in taking final decision, the Court direct the State Government (respondent no.2 and 3) to take appropriate decision on the basis of recommendation of the University at the earliest preferably within a maximum period of 45 days from the date of receipt/production of a copy of this order.

In case, the respondent State Government failed to



take any decision, the recommendation of the University shall be deemed to be approved in the matter of sanction/creation of teaching and non-teaching post after receipt of 45 days of the copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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