

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2825 of 2020

Ashok Kumar Yadav, Son of Late Tarni Prasad Yadav Resident of Village-Barsam, Police Station-Basnahi and District-Saharsa at Present residing at Saidpur Tadhers Quarter 23, Rajendra Nagar, Police Station-Kadam Kuan, District-Patna. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Higher education Patna.
2. The Director, Higher Education, Education Department, Govt. of Bihar, Patna.
3. The Vice Chancellor, Patna University, Patna.
4. The Registrar, Patna University, Patna.
5. The Finance Officer, Patna University, Patna.
6. The Principal, Science College, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad
For Patna University	:	Mr. Ajay Behari Sinha
		Ms. Seema Ghayala
For the State	:	Mr. Madhaw Pd. Yadaw (GP23)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 24-02-2020 Issue raised in the present writ petition is no more res integra. Initially the Demonstrators were treated as teachers but subsequently by amendment in Bihar State Universities Act, the Demonstrators were excluded from the definition of the teacher. The issue was taken to the Supreme Court. The Apex Court approved the Bihar State Universities (Amendment and Validation) Act, 2012. However, the Apex Court has granted certain protection to the Lab Assistant, who has been designated as teacher vide order dated 27.02.2017, which is quoted herein below:-

“We have heard learned counsel for the parties at great length.

These appeals arise out of challenge to the Bihar



State Universities (Amendment and Validation) Act, 2012 (Bihar Act 22 of 2012) which has been upheld by the High Court by the impugned order. We do not find any ground to interior with the view taken by the High Court in upholding the said Act. He however make it clear that the present status rank and pay of the appellants will not be disturbed. If any lab assistant has been given designation of demonstrator which he continues to hold till date, it will not be withdrawn. They not be entitled to any further benefits in conflict with the impugned Act.

In view of the above, the appeals are disposed of. No costs.

Pending application if any shall also stand disposed of.”

In view of the above order of the Supreme Court, no indulgence is called for. Respondents are obliged to strictly follow the decision of the Apex Court in Durga Prasad Singh & Ors. Vs. State of Bihar & Ors.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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