

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4388 of 2020

-
1. Subodh Kumar Singh S/o Sri Shiv Narayan Singh, Resident of Dharamshala Road, Naugachia, P.S.-Naugachia, District-Bhagalpur, Pin Code-853204.
 2. Awadh Kishor Saha, S/o Doman Sah, Resident of New Chowk, Kursela, P.O.-A.G. Bazar, P.S.-Kursela, District-Katihar, Pin Code-854101.

... .. Petitioner/s

Versus

1. The Tilka Manjhi Bhagalpur University through the Vice Chancellor.
2. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
3. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
4. The Finance Officer, Tilka Manjhi Bhagalpur University, Bhagalpur.
5. The Principal, Madan Ahilya Mahila (M.A.M.) College, Naugachia Bhagalpur (IVth Phase Constituent College under T.M. Bhagalpur University, Bhagalpur.
6. The Incharge Authorized Officer Pay Verification Cell (P.V.C.) Education Department, Government of Bihar, Patna under Tilka Manjhi Bhagalpur University, Bhagalpur.
7. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 4391 of 2020

1. Ira Singh D/o Late Kanta Prasad Raut, W/o Matish Chandra Singh, Resident of Mohalla- Sushila Sadan, Surkhikal (Behind Law College), Tilka Manjhi, P.s.- Barari, District- Bhagalpur, Pin Code-812001
2. Minakshi Kumari, D/o Sri Shashidhar Jha, W/o Vidyanand Thakur, Resident of Moniyapatti near South Point School, Ward No. 20, Naugachia, P.s.- Naugachia, District- Bhagalpur, Pin Code-853204

... .. Petitioner/s

Versus

1. The Tilka Manjhi Bhagalpur University through the Vice Chancellor,
2. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur
3. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur
4. The Finance Officer, Tilka Manjhi Bhagalpur University, Bhagalpur
5. The Principal, Madan Ahilya Mahila (M.A.M.) College, Naugachia Bhagalpur, (IVth Phase Constituent under T.M. Bhagalpur University, Bhagalpur.
6. The Incharge Authorized Officer, Pay Verification Cell (P.V.C.) Education



Department, Government of Bihar, Patna under Tilka Manjhi Bhagalpur University, Bhagalpur

7. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 4388 of 2020)

For the Petitioner/s : Mr.Radha Raman Verma, Advocate

For the Respondent/s : Mr.Ashutosh Ranjan Pandey (AAG-15)

(In Civil Writ Jurisdiction Case No. 4391 of 2020)

For the Petitioner/s : Mr.Radha Raman Verma, Advocate

For the Respondent/s : Mr.Smt. Shilpa Singh (GA- 12)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and the State.

Learned counsel for the petitioners submits that the issue raised in the present writ petitions is no more res integra. Similar issue was decided by this Court in CWJC No. 3398 of 2020 vide order dated 24.02.2020. The order dated 24.2.2020 in toto runs as under:-

“Heard learned counsel for the petitioners and the respondents.

The issue raised in the present writ application has chequered history and after amendment in the Bihar State Universities Act, the matter was taken to the Division Bench. The validity of the amendment was considered and upheld by the Division Bench and finally approved by the Apex Court in Civil Appeal Nos. 6178-6181 of 2015 (Durga Prasad Singh & Ors. Vs. The State of Bihar & Ors.). The said order is reproduced below for



ready reference:-

“We have heard leaned counsel for the parties at great length. These appeal 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 interfere with the view taken by the High Court in upholding the said Act.

We 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, it will not be withdrawn. They will 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 applications, if any, shall also stand disposed of.”

3. In view of the above decision of the Apex Court, the respondents are directed to examine the case of the petitioners and take final decision in accordance with the order passed by the Apex Court in the case of Durga Prasad Singh (Supra) at the earliest preferably within a period of four months from the date of receipt/production of a copy of this order.

4. With the aforesaid, the writ petition stands



disposed of.”

In order to maintain consistency, the present writ petitions are disposed of in similar terms.

(Anil Kumar Upadhyay, J)

spandey/-

U			
---	--	--	--

