

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6761 of 2021

Dr. Raish Singh, Aged about 61 years, Gender-Male, son of Late Mangeshwar Singh, Resident of Village-Painapur, Wazirpur, Police Station-Bikram, Post Office-Wazirpur, District-Patna at present posted as demonstrator in the Department of Physics, College of Commerce, Arts and Science, Kankarbag, Patna-20.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Higher Education Department, Patna.
2. The Director, Higher Education, Education Department, Government of Bihar, Patna.
3. The Vice Chancellor, Patliputra University, Patna.
4. The Registrar, Patliputra University, Patna.
5. The Finance Officer, Patliputra University, Patna.
6. The Finance Officer, College of Commerce, Art and Science, Kankarbag, Patna.

... .. Respondents

Appearance :

For the Petitioner : Mr.Uday Chand Prasad, Advocate
For the Respondents : Mr.Ram Vinay Pd. Singh, AC to GA 12

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-03-2021 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Learned counsel appearing on behalf of the petitioner submits that similar issue was decided by this Court vide order dated 24.02.2020 passed in CWJC No. 2825 of 2020 (*Ashok Kumar Yadav Vs. The State of Bihar & others*).

In order to maintain consistency, the present writ application is disposed of in similar terms:-



“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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