

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.605 of 2011
In
Civil Writ Jurisdiction Case No.4332 of 2005

1. The Governing Body, Pranav Chatterjee College, Itarhi Road, Buxar, through its Secretary.
2. Professor Incharge, Pranav Chatterjee College, Itarhi Road, Buxar, Through Krishna Murari Singh.

... .. Appellant/s

Versus

1. Mahesh Dutta Singh S/O Late Nand Kishore Singh R/O Kshtriya Bhawan, Civil Lines, Buxar, At Present Reader And Head of Department Of Physics, Pranav Chatterjee College, Itarhi Road, Buxar.
2. Veer Kunwar Singh University, Ara, Through Its Registrar.
3. The Vide Chancellor, Veer Kunwar Singh University, Ara.
4. Bihar College Service Commission Patna Through Its Secretary.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Suresh Chand Giri, Adv.
For the Respondent/s	:	Mr. Sunil Kumar Mandal, Advocate
For Respondent No.2 & 3	:	Mr. P.K. Verma, Sr. Adv.
		Mr. Rajesh Prasad Chaudhary, Adv.
		Mr. Viveka Nand Pathak, Adv.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 20-07-2022

Heard learned counsels for the parties.

2. Pursuant to the earlier order Mr. Dharendra Kumar Singh, Registrar Veer Kunwar Singh University, Ara of the University is present in the Court and on instruction he submitted that there is no proposal for approval of Mahesh Dutt Singh appointment from the Pranav Chatterjee College. Therefore, the



University is only a formal party in the proceedings. When we posed a question as to which is the relevant statute or executive order which provides for the regularization/absorption of adhoc lecturers who were appointed in affiliated college. For which it is submitted that there are no statutory provision for regularization/absorption of adhoc lecturers who were appointed in the affiliated college.

3. Learned counsel for the Mahesh Dutt Singh submitted that proposal to approve his appointment on permanent basis was taken up by the Governing Body of Pranav Chatterjee College. Thereafter, there was an inaction on his part. Thus petitioner Mahesh Dutt Singh filed writ petition seeking the following relief:

“(I) To command the respondents particularly respondent no.4 and directed it to consider appointment of petitioner to the post of lecturer in Physics in College above said pursuant to recommendation for the appointment of petitioner by Bihar College Service Commission vide its letter no.1542 dated 18.01.2000 following the examination conducted by it in terms of Advertisement No.80/90.

(II) To command and direct the respondent no.4 and 5 to send the issue of appointment of petitioner before the respondent University for approval of the post in Physics being held by petitioner and further



direct the University to approve the same in accordance with law.

(III) For issuance of any other appropriate writ/direction/order to which petitioner is found entitled in, the eye of law.”

4. The learned Single Judge has allowed the petition.

Extract of the order of the learned Single Judge reads as under:

“I, therefore, direct that the Incharge Principal/Principal/Managing Committee of the College should send the name of the petitioner to the Commission within a period of two months. The Bihar Public Service Commission should take a decision taking into account that the petitioner was earlier recommended by the Commission vide Annexure-5 (letter no. 1542 dated 18.1.2000) within a period of three months on receipt of the recommendation. This Court also takes into account that the petitioner has worked as Lecturer in the College since 1988 i.e. for 23 years, and as such this fact is also important for the purpose of considering the case of the petitioner. The petitioner would be at liberty to bring the facts to the notice of the authorities concerned within a period of eight weeks on receipt of a copy of this order.



This writ application is allowed for the reasons mentioned and to the extent indicated aforesaid.”

5. Feeling aggrieved by the order of the learned Single Judge dated 18.02.2011 passed in CWJC No.4332 of 2005 the present LPA No.605 of 2011 is presented by the Governing Body, Pranav Chatterjee College and another.

6. Learned counsel for the college submitted that though there was a proposal for approval of appointment of Mahesh Dutt Singh, however it was rejected by passing a resolution no.6 dated 02.06.2001. However college authorities have not communicated the decision stated in the resolution. In other words grievance of the Mahesh Dutt Singh has been turned down and it was not appraised in the writ petition (proceedings).

7. We are in LPA. Scope of LPA is restricted to validity of the learned Single Judge as to whether is it in terms of the relevant provision of law or not. The college authorities have not disclosed that the grievance of Mahesh Dutt Singh had been rejected and kept in resolution book in the absence of communication to the person whose right was affected.

8. In light of these facts and circumstances, learned counsel for the Mahesh Dutt Singh submitted that the matter is relates back to 2005 and we are in the year 2022. At this distance



of time it is not fair on the part of the college in submitting that Mahesh Dutt Singh grievances has been turned down while passing a resolution. Ofcourse there is a delay in taking a decision as to whether Mahesh Dutt Singh is entitled to have his appointment approved in accordance with the relevant provision of law or not. Learned counsel for the Mahesh Dutt Singh submitted that similarly situated persons their grievances relating to approval of their appointment have been redressed whereas Mahesh Dutt Singh has been discriminated by the college and University. It is to be noted that Mahesh Dutt Singh case is still with the college management and it has not reached the University as to give approval for Mahesh Dutt Singh appointment pursuant to the decision made by the Governing Body, Pranav Chatterjee College.

9. In the light of these facts and circumstances Mahesh Dutt Singh is hereby directed to file a detailed representation to the college authorities while furnishing an advance copy to the University. The college authorities-Governing Body is hereby directed to take afresh decision on the grievance of Mahesh Dutt Singh with reference to the representation and also examine as to why the petitioner has been discriminated among others in so far as approval of his appointment to the post of lecturer. Upon considering each and every contention to be raised by Mahesh



Dutt Singh the Governing Body, Pranav Chatterjee College are hereby directed to pass a detailed speaking order. If there are any hurdle like having certain information from Mahesh Dutt Singh in that event the Governing Body may also give a oral hearing to Mahesh Dutt Singh before taking a decision. The Governing Body shall take decision within a period of three months from date of Mahesh Dutt Singh’s representation and decision shall be communicated to Mahesh Dutt Singh. If the Mahesh Dutt Singh is entitled to approval of his appointment in that event Governing Body, Pranav Chatterjee College is hereby directed to forward all papers to the University for further action. University shall proceed to take appropriate decision and in accordance with law within three months from the date of receipt of the Governing Bodies recommendation.

With the above observation LPA stands disposed of.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

Prakash Narayan /-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.07.2022
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