

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12340 of 2021

Dr. Ram Bachan Rai Son of Late Sheo Pujan Rai resident of Mohalla Bahadurpur Housing Colony, Bhoothnath Road, Kankerbagh Police Station Agamkuan, District Patna.

... .. Petitioner/s

Versus

1. Magadh University through its Registrar, Bodh Gaya.
2. The Vice Chancellor, Magadh University, Bodh Gaya, Bihar
3. The Registrar, Magadh University, Bodh Gaya, Bihar.
4. Patliputra University through its Registrar, Rajendra Nagar, Patna.
5. The Governing Body through its Secretary, Laliteshwar Prasad Shahi College, Ram Krishna Nagar, Patna- 800027.
6. The Principal, Laliteshwar Prasad Shahi College, Ram Krishna Nagar, Patna- 800027.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Adv.
For the Respondent/s : Mr.Ritesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 10-05-2022 The case is being taken up from defect side.

Learned counsel for the petitioner is directed to submit the original petition along with attested affidavits and also remove all the defects pointed out by the Registry within two weeks from today.

The issue raised in the present petition is no more res integra and stands finally adjudicated by this Court in bunch of writ petitions decided by a common order dated 08.10.2021 reported in 2022 (1) PLJR 623 (Dr. Raj Kumar Mazumdar & Ors. Vrs.



The State of Bihar) & Ors.), wherein it has been held as under:-

“94. Amidst the backdrop of the discussions hereinabove, it is held that the 2012 Amendment Act, though deleting the term ‘Principal” in the definition of ‘teacher” in the Act would not render the post of Principal to be a non-teaching post and would be covered under the term “and such sanctioned posts in the teacher’s grade on the basis of the regulations issued by the U.G.C. from time to time”.

96. Consequently, the order(s), letter (s), communications(s) or notice (s), impugned in the succeeding writ petitions, stand quashed and set aside.

98. As a sequel to the above, the petitioners made to retire in terms of the State’s understanding of the 2017 Amendment Act shall be deemed to have continued on the posts of



Principal till they attained the age of 65 years and shall be entitled to all consequential benefits, including pay and emoluments as well as continuity in service. It had been submitted at the Bar that recoveries have been made from certain persons. It is directed that the same be returned forthwith."

Both the counsels, appearing for the petitioners as well as for the respondents, agree that the present case can be decided on the basis of aforesaid decision as the facts of this case are same as that of the case (supra).

Accordingly, this writ petition is allowed and directions issued above shall apply to the present case for continuance exercise shall be conducted within a period of three months henceforth.

(Sanjeev Prakash Sharma, J)

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