

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9520 of 2015

Dr. Sudarshan Shriniwas Shandilya Son of Late Sitaram Shandilya, at present residing at Shiv Nagar Colony, P.O.P.S.- Beur, District- Patna, at present Lecturer in the Department of Vyakaran in Sri Ram Sanskrit College Sarauti, P.O.- Rampur Chauram, District- Arwal.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director Higher Education, Department of Education, Government of Bihar, Patna.
4. The Special Secretary, Department of Education, Government of Bihar, Patna.
5. Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga through its Registrar.
6. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
7. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
8. Sri Ram Sanskrit College Sarauti, P.O.- Rampur Chauram, District- Arwal through the Secretary of th
9. The Governing Body of Sri Ram Sanskrit College Sarauti, P.O.- Rampur Chauram, District- Arwal throu

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Adv.
For the State	:	Mr. Deepak Kumar, AC to GP4
For the University	:	Mr. Deepak Kumar, Adv.
For the respondent no.8&9:	:	Mr. Harendra pal Singh, Adv. Mr. Santosh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 22-11-2022 1. This Court while issuing notices on 04.12.2008 noticed the grievance of the petitioner and also made observations as under:

“Para 2: The grievance of the



petitioner in the present writ application is limited to the extent that after the recommendation of the College Service Commission against the two posts, earlier the petitioner was appointed against the 1st post, whereas the person, who was at serial no. 1 recommended against the 1st post was appointed against the 2nd post that controversy led to filing of C.W.J.C. No. 13867 of 2003 and vide order dated 25.10.2010, the Court directed the Registrar of the University to ensure that a final decision on the resolution of the Governing Body dated 07.06.2003 is taken and forwarded to the Governing Body strictly in accordance with law within a period of six months from the date of receipt/production of a copy of this order.

Para 3: Learned counsel for the petitioner submits that after the decision contained in Annexure-7, the respondents have decided to adjust the petitioner against 2nd post and the writ petitioner of 13867 of 2003 against 1st post. After the aforesaid decision, the benefit of service with consequential monetary benefit was extended to



Sarvanand Sharma from the date of resolution dated 07.06.2003, whereas this petitioner, who was earlier appointed against the 1st post vide resolution of the Governing Body dated 07.06.2003 and was subsequently adjustment against 2nd post has been deprived of the benefit of service form 07.06.2003 i.e. the period the writ petitioner has actually worked after recommendation of the College Service commission and the resolution of the governing Body dated 07.06.2003.

Para 4: In the facts and circumstances indicated above, it appears that there is a case of adjustment of the petitioner and Sharvanand Sharma against 1st and 2nd posts on the basis of the recommendation of College Service Commission dated 01.07.2002, the Court is prima facie of the view that when two posts were available and there is favourable recommendation in favour of the petitioner and Sarvanand Sharma against the 1st and 2nd posts and both of them were appointed by the resolution of the Governing Body dated 07.06.2003 on the recommendation of the



College Service Commission, but contrary to the position in the recommendation against 1st and 2nd posts, which was subsequently rectified after decision of this Court as contained in Annexure-7, the petitioner would be entitled to the benefit of service and consequential benefit treating his date of appointment as 07.06.2003 and not from the subsequent date i.e. 03.11.2014.”

2. The Governing body who was noticed by the Court, are appearing through their learned counsel and have stated that the adjustment of the petitioner in 2014 was merely from first post to second post. Both being in the same cadre, the petitioner would be entitled to the benefit from the date when he joined the first post that is with effect from 07.06.2003.

3. Keeping in view the observations of this Court as above, this Court deems it appropriate to decide this writ petition accordingly holding the petitioner to be entitled to the benefit of service and consequential benefits treating his date of appointment as 07.06.2003. All consequential benefits shall accordingly be released by the University including the benefit of granting regular salary from the said date. The State and the



University is directed to conclude exercise in this regard at the earliest but not later than period of three months from today.

4. The writ petition stands allowed accordingly.

(Sanjeev Prakash Sharma, J)

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