

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14858 of 2015

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1. Sushil Kumar and Son of Late Ram Kishore Singh
 2. Uma Shankar Pandey, Son of Late Dharkhan Pandey Both residents of Village P.O.- Chandauli, Police Station- Belsand, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Chancellor, Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
3. Director, Higher Education, Department of Human Resources, Bihar, Patna.
4. Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur through its Registrar.
5. Vice-Chancellor, Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
6. Registrar, Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
7. Principal, J.S. College, Belsand, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Yogendra Mishra Mr. Arvind Kumar Jha
For the University	:	Mr. Rakesh Kumar Singh
For the State	:	Mr. Maanjeet Kumar, GP-20

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 06-04-2023 Heard learned counsel for the parties concerned.

2. The petitioners have filed present writ application for their regularization on Class III or Class IV posts on the ground that the petitioners have been working in the J. S. College, Chandauli on the sanctioned post.

3. Mr. Yogendra Mishra, learned counsel appearing for the petitioners submits that pursuant to the advertisement published for appointment on Class III post, petitioner nos. 1



and 2 applied for their appointment on Class III and Class IV post respectively. Thereafter, selection committee was constituted by the Registrar of the University in 1981.

4. After the petitioners were interviewed, they were selected for appointment against Class III post of Lab In-charge and Class IV post.

5. Letter of appointment was issued to the petitioners on 01.04.1981 and the petitioners, thereafter, submitted their joining on their respective post.

6. The petitioners, seeking regularization of their services, had earlier approached this Court in CWJC No. 1029 of 1994 and analogous cases and this Court *vide* its order dated 25.08.1994, directed that if the post are sanctioned/created by the State Government, the Vice Chancellor shall take appropriate decision regarding the claim of the petitioners for regularization within three months.

7. As per the direction of this Court, the petitioners filed representation on 06.01.1995 requesting, therein, for consideration of their cases for regularization in the light of the decision of this Court dated 25.08.1994.

8. Since, no action was being taken by the Vice Chancellor or the Registrar of the University, the petitioners



filed the present writ application in the year 2015. During the pendency of the present writ application, the Registrar of the Baba Saheb Bhimrao Ambedkar Bihar University *vide* his letter dated 25.05.2016, informed the petitioners to appear before him on 07.06.2016 for settlement of their claim.

9. As per the direction of the Registrar, the petitioners appeared before him, where the cases of the petitioners for regularization/settlement was discussed and the petitioners were given to understand that their cases of regularization would be considered alongwith other similarly situated candidates.

10. Learned counsel further submits that the University *vide* office order dated 23.07.2021 regularized the services of Arvind Kumar Singh and Krishna Mohan Singh w.e.f. 01.03.1986, but the petitioners did not get any information from the University regarding their regularization, although several other employees have been regularized in their services with retrospective effect.

11. In view of the aforesaid, the petitioners again filed a representation on 12.01.2022 before the Registrar to consider their cases for regularization as per law and in light of the decision of the University dated 23.07.2021 by which the services of the similarly situated persons were regularized.



12. Learned counsel for the University submits that direction may be issued to the Vice Chancellor to dispose the representation of the petitioners dated 12.01.2022, in the light of the order passed by this Court earlier in CWJC No. 1029, 1503 and 1968 of 1994 dated 25.08.1994.

13. Having considered the rival submission made by the parties and taking into consideration the nature of the claim that the petitioners are waiting for decision of their regularization for the last many years, I direct the learned Vice Chancellor of the Baba Saheb Bhimrao Ambedkar Bihar University to take a decision on the representation of the petitioners filed earlier as well as representation dated 12.01.2022 for regularization on their respective post i.e. Class III and Class IV posts in accordance with law.

14. The learned Vice Chancellor shall take appropriate decision within a period of three months positively.

15. With the aforesaid observation and direction, the writ application is disposed.

(Anil Kumar Sinha, J)

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