

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12191 of 2021

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Ratneshwar Prasad Singh S/o Late Yogendra Singh Resident of Village - Dahila Patsawan, P.S. - Gaighat, District - Muzaffarpur, the retired Assistant, Jang Bahadur Singh Dhanaur College, Bakuchi, P.O. Katra, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director Higher Education, Education Department, Government of Bihar, Patna.
4. The Vice Chancellor B.R.A. Bihar University, Muzaffarpur.
5. The Registrar B.R.A. Bihar University, Muzaffarpur.
6. The Finance Officer, B.R.A. Bihar University, Muzaffarpur.
7. The Principal, Jang Bahadur Singh Dhanaur College, Bakuchi, P.O. - Katra, District - Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate
For the State	:	Ms. Abhanjalli, AC to GA-12
For the University	:	Mr. Satyendra Narayan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 29-08-2023

Heard Mr. Vijay Kumar Singh, learned counsel appearing on behalf of the petitioner, Ms. Abhanjalli, learned AC to learned GA-12 appearing on behalf of the State and Mr. Satyendra Narayan Singh, learned counsel for the B.R.A Bihar University, Muzaffarpur.

2. Learned counsel appearing on behalf of the petitioner submits that the grievance of the petitioner as claimed for in the present writ petition is identical to the grievance of



one retired employee Ram Ji Paswan in whose case this Hon'ble Court has passed order dated **25.07.2016** in **CWJC No. 6426 of 2013** and upon considering the entire state of affairs as well as law laid down by this Court as well as Hon'ble Supreme Court has passed *inter alia* following observation and direction:

“In such view of the matter, it will be relevant to quote relevant portion of the aforesaid judgment:

“ I find that decision referred by the University Counsel, 2005(3) PLJR (SC 239) has no application in the present case. Petitioners were regularised in service, in the light of order/direction passed in the writ application. The direction was to regularize petitioner's service in the light of Braj Kushore Singh's case. The date mentioned in modification of regularisation, in this way had no relevant, so far consequential benefits are concerned. Subsequently when petitioners approach this Court for a direction to make payment of arrears of salary, pension and pensionary benefits, there was no reason to question,entitlement of these petitioners. They were entitled for all consequential benefits, in the light of Full Bench decision in Braj Kishore Singh's case, as it was a law, settled on this point. The writ application was disposed off giving direction to make payment considering representations' filed by the petitioners. In this circumstance, the subsequent stand taken by the Opposite party, denying each benefit to the petitioners, on account of date mentioned in the



notifications for regularisation, is contemptuous. In their show cause, the Opposite parties have stated that, they have fully complied the direction of the High Court is contrary to their contemptuous action.

The Opposite parties are directed to file fresh show cause, showing full compliance of the direction of this Court. Compliance must be in consonance with the law settled in Braj Kishroe Singh's case."

In view of the aforesaid discussion applying the aforesaid principle it is an admitted fact that petitioners have entered into service earlier when they were not regularised they approached this Court for regularisation, the University constituted a Committee, found their entry to be legal and in pursuance thereof they have been regularised in service. The University itself regularize the service, so at this stage plea of the University that entries of the petitioners are illegal and nonest as it is against violation of Articles 14 and 16 of the constitution of India and cannot be reopened. The only question left for pensionary benefits whether the earlier period will be reckoned when the petitioners have been working right from beginning as stated hereinabove and they were pursuing the matter of regularisation ultimately at the behest of this Court their services were regularised. It will be travesty of justice to ignore the period they have discharged in service only for the purpose of pensionary benefits.

In such view of the matter, this Court holds that petitioners are entitled for their pensionary benefits from the date of initial appointment and the period that has been spent will be considered for the purpose of their retiral dues. This Court is not granting the benefit of arrears of salary but is confined for the purposes of pensionary benefits."



3. Considering the specific submission made on behalf of the petitioner, the petitioner, if so advised, may file a detailed representation before the Registrar of the B.R.A Bihar University, Muzaffarpur.

4. The Registrar of the B.R.A Bihar University, Muzaffarpur, is directed to compare the case of the petitioner with the retired employee Ram Ji Paswan and, in case, the case of the petitioner is identical, he may take immediate steps to make payment of all the retiral dues as claimed for in the present writ petition in accordance with law. In case, the registrar finds that the case of the petitioner is not identical, in that case, he is bound to summon the petitioner and after giving opportunity of hearing shall pass a reasoned order within a period of six weeks. In any case, if the petitioner is entitled for retiral dues, the same is required to be paid along with the statutory interest within the aforesaid period of six weeks.

5. Accordingly, the writ petition stands disposed of.

(Purnendu Singh, J)

Niraj/Nilmani

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.08.2023
Transmission Date	N/A

