

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19215 of 2016

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Madan Kumar Son of Late Badri Narayan Lal Resident of S.K.Nagar, Road No. 23, Post - Kidwaipuri, Police Station - Budha Colony, District - Patna, presently engaged as Typist on daily wage basis, at Patna University, Patna in the Department of Examination.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Patna University, through Registrar, Patna University, Ashok Raj Path, Patna.
3. The Vice-Chancellor, Patna University, Ashok Raj Path, Patna.
4. The Registrar, Patna University, Ashok Raj Path, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 14801 of 2017

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Md. Alam Son of Late Md. Reyazuddin Resident of Mohalla - Chaudhary Tola, Pathar Ki Masjid, P.S. Sultanganj, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Higher Education, Govt. of Bihar, Patna.
3. The Vice Chancellor, Patna University, Patna.
4. The Registrar Patna University, Patna.
5. The Principal of Magadh Mahila College, Patna.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 19215 of 2016)

Appearance :

For the Petitioner/s	:	Mr. J.P Singh, Adv. Mr. Pankaj Kumar Das, Adv
For the State	:	Mr. Priyadarshi Matrisharan, AC to AAG-15
For the University	:	Mr. Manish Dhari Singh, Adv.

(In Civil Writ Jurisdiction Case No. 14801 of 2017)

For the Petitioner/s	:	Mr. Md. Anisur Rahman, Adv.
For the Respondent/s	:	Mr. Manish Dhari Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

14 20-04-2023

Heard the parties.



2. The petitioner has filed the present writ application claiming regularization of his services on the post of typist. According to the petitioner, he was engaged on the daily basis on a vacant sanctioned post of typist on 01.04.1996.

3. Learned counsel for the petitioner submits that Patna University Employees Association vide letter No. 182 dated 15.01.1998 requested the learned Vice Chancellor for regularization of ten daily wage workers including the petitioner which would be evident from Annexure-2 of the writ application in which the name of the petitioner stands at Serial No.7. By order dated 02.01.1998, the learned Vice-Chancellor has directed for regularization of services of all the ten daily wage workers including the petitioner but the Respondent-University has regularized the services of eight employees only. One of the similarly situated employees, namely, Binod Kumar, approached this Court claiming his regularization and pursuant to the direction issued by this Court in CWJC No. 6625/2004 dated 22.11.2010 and subsequently the order passed in MJC No. 2105/2013, the said Binod Kumar was regularized by the University on the post of driver.

4. Accordingly, the petitioner is claiming discrimination on the ground that the nine persons who were



engaged along with petitioner in the year 1996 on daily wages have been regularized and the petitioner has been left out arbitrarily.

5. On the other hand, learned counsel for the State as well as University submit that the petitioner was not validly appointed on the sanctioned post, his appointment was irregular and the persons who have been regularized were engaged against sanctioned post on daily wages in the year 1991. Learned counsel also submits that as per Circular of the State Government, the cutoff date for regularization is 11.12.1990 and the eight persons were regularized on the basis of the cutoff date mentioned in the Circular. He next submits that Binod Kumar whose example has been given by the petitioner was not regularized but he was appointed on the post of driver pursuant to the advertisement published by the University.

6. In reply, learned counsel for the petitioner submits that the discriminatory nature of the University is apparent on the face of it inasmuch as at the first instance, the University has said that the cutoff date has been fixed for regularization as per State Government Circular is 11.12.1990 but the eight persons, who have been regularized, were engaged on 25.10.1991, 28.10.1991, 15.06.1991 etc. As such, the petitioner



has been meted with hostile discrimination by the University.

7. I have heard the parties. As per submission made by the petitioner, he was appointed on daily wages on 01.04.1996 on the sanctioned post along with other similarly situated persons whose services were regularized subsequently by the University leaving out the petitioner in the lurch. The petitioner claims to have worked regularly since 1996 till 2016 i.e., for about 20 years. In view of the fact that the persons who were engaged on daily wages in the year 1991 i.e., after the cutoff date, have been regularized by the University and the fact that the petitioner has worked for about 20 years, I direct the learned Vice-Chancellor of Patna University to consider the case of the petitioner for regularization in the light of Judgment of *Secretary, State of Karnataka & Ors v. Umadevi & Ors* as reported in *2006 (4) SCC 1*.

8. While considering the case of the petitioner for regularization, the learned Vice Chancellor is also expected to consider the claim of the petitioner regarding hostile discrimination meted out to him inasmuch as other persons appointed almost along with the petitioner were regularized by the University after the cutoff date fixed by the State Government and the petitioner has filed the present writ



application for claim of his regularization in the year 2016 itself.

9. The learned Vice-Chancellor must take the decision after giving opportunity of hearing to the parties within the period of four months from the date of receipt/production of a copy of this order.

10. The petition stands disposed of with the above observation and direction.

CWJC No. 14801 of 2017

11. The Writ application bearing CWJC No. 14801/2017 also stands disposed of in terms of order passed in the aforesaid writ application.

(Anil Kumar Sinha, J)

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