

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.537 of 2019

In
Civil Writ Jurisdiction Case No.3416 of 2014

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1. Shaheed Shiv Sanskrit Mahavidyalay and Anr Haripur Dihtol, Madhubani through its Present Secretary of Governing Body of the College namely Sri Dev Kant Jha
 2. Dev Kant Jha Prasant Secretary Son of Late Baidyanath Jha, Resident of Village-Haripur Dihtol, P.O.-P.S. Kaluahi, District Madhubani

... .. Petitioner/s

Versus

1. R. K. Mahajan, The Principal Secretary, Human Resource Development Department and Ors Department (Higher Education) Govt. of Bihar, Patna
2. Mr. Binod Kumar Singh Joint Secretary, Human Resource Development Department (Higher Education), Govt. of Bihar, Patna
3. Mr. Arshad Firoz Deputy Secretary, Human Recourse Development Department (Higher Education, Govt. of Bihar, Patna
4. Mr. Dr. Rekha Kumari Director, (Higher Education), Human Recourse Development Department Govt. of Bihar, Patna
5. Sarv Narayan Jha, The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga
6. Colonel Mr. Navin Kumar, Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ugranath Mallik
For the Opposite Party/s : Mr. Shashi Shekhar Tiwary AC to AAG-15

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-11-2024 1. Heard learned counsel for the petitioner, learned AC to AAG-15 and the learned counsel appearing on behalf of the University, Mr. Nagendra Kr. Singh.

2. The learned counsel appearing on behalf of the petitioner submits that the instant contempt application has been filed for initiating a proceeding of contempt against the contemnor opposite parties for the deliberate and willful violation of the order dated 13.05.2014 passed by the learned Single Judge in CWJC No.



3416 of 2014.

3. The learned counsel for the petitioner, thereafter straightway draws the attention of the Court to the order dated 13.05.2014 in CWJC No. 3416 of 2014 and submits that CWJC No. 3416 of 2014 was filed by the petitioner for a direction upon the State authorities to sanction 13 posts of Lecturer, 8 posts of Class-III employees and 10 posts of Class-IV employees in Shaheed Shiv Sanskrit Mahavidyalay, Haripur, Dhitol, Madhubani, as per the requirement certificate issued by the University to the Government in response to their query. It is submitted that the writ application was disposed of with a direction to the Joint Secretary, Human Resources Development Department (Higher Education) Government of Bihar to take cognizance of the requirement certificate issued by the University and also the reminder of the In-charge Principal of the College and to take a final decision in the matter in accordance with law positively within three months.

4. The learned counsel for the petitioner submits that despite order dated 13.05.2014 in CWJC No. 3416 of 2014, no action has been taken by the Joint Secretary, Human Resources Development Department (Higher Education) Government of Bihar.

5. The learned counsel appearing on behalf of the State submits that a show cause has been filed on behalf of the opposite



party no. 1 wherein it has been specifically pleaded that the college in question was granted permanent affiliation vide Memo No. 167 dated 07.03.1990 without any financial assistance, further a guideline was issued by the Department vide Letter No. 415 dated 04.02.2010, to submit the proposal of creation of posts in teaching/non-teaching category of all affiliated degree colleges to the State Government. It is next submitted that the aforesaid guideline dated 04.02.2010 was withdrawn in terms of Section 35 of the Bihar State University Act, 1976 with respect to those affiliated degree colleges which do not get financial assistance from the State Government vide Letter No. 991 dated 11.08.2018 (Annexure-A). It is next submitted that from perusal of the letter dated 11.08.2018, it would manifest that responsibility of creating posts in teaching/non-teaching category in those affiliated colleges who do not get financial assistance from the State Government has been given to the concerned university.

6. The learned counsel submits that the matter accordingly has been returned to the concerned colleges. It is next submitted that the order of the Court was to consider the case in accordance with law since the law now does not permit the State authorities to consider the case, as such, it cannot be alleged that there was any willful or deliberate violation of the orders of this Court.



7. The learned counsel appearing on behalf of the University submits that a show cause has been filed wherein a specific plea has been taken that no direction was given to the University to consider the case of the petitioner, as such, it cannot be alleged that University has deliberately violated the orders of this Court. It is also submitted that it is a fact that in Sanskrit colleges under staffing pattern, 10 posts of teaching staff, 2 posts of Class-III and 2 posts of Class-IV employees is sanctioned, as such, University has no power to increase or decrease the sanctioned post beyond the staffing pattern.

8. At this stage, the learned counsel appearing on behalf of the petitioner seeks permission to withdraw the contempt application with liberty to pursue his remedy before the concerned authorities of the university and the college.

9. Permission is accorded.

10. Accordingly, the instant contempt application is permitted to be withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

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