

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1190 of 2019

In
Civil Writ Jurisdiction Case No.7396 of 2012

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Prem Shankar S/o Late Kumar Baidnath Prasad Singh R/o village - Bewasi,
P.S.- Riga, dist- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Through R.K. Mahajan Principal Secretary, Human Resource Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary Human Resource Development Department, Govt. of Bihar, Patna.
3. Rekha Kumari Director (Higher Education) Govt. of Bihar, Patna.
4. Ajit Kumar Dy. Director (Higher Education) Govt. of Bihar, Patna.
5. Vice Chancellor BRA Bihar University, Muzaffarpur.
6. Col Ajai Rai, Registrar BRA Bihar University, Muzaffarpur.
7. R.D. Singh Finance Officer, BRA Bihar University, Muzaffarpur.
8. Nalin Bilochan Sinha Principal, Mahila Silpkala Bhawan, Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Parasmani
For the Opposite Party/s	:	Mr. Shashi Shekhar Tiwari (Aag15)
		Mr. Ajay Bihari Sinha, Sr. Advocate
For the University	:	Mr. Indrajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 29-10-2024 1. Heard learned counsel for the petitioner, learned

AC to AAG-15 and the learned counsel appearing on behalf of

BRA, Bihar University.
2. The learned counsel for the petitioner submits that

the instant contempt application has been filed for initiating a

proceeding of contempt against the opposite parties for non-

compliance of the order dated 29.06.2018 in CWJC No. 7396 of

2012.



3. The learned counsel appearing on behalf of the State, at the outset, submits that from perusal of order dated 29.06.2018 in CWJC No. 7396 of 2012, it would manifest that the petitioner had approached this Court for a direction upon the State Government to consider the favourable recommendation made by the University in favour of the petitioner vide Annexure-4 to the writ application, but the State Government did not take any final decision on the recommendation of the University for creation of post so that the petitioner may be accommodated against the post of Lab In-charge in the Botany subject.

4. The learned State counsel next submits that the learned Single Judge in CWJC No. 7396 of 2012, after hearing the learned counsel for the parties recorded at Paras 7, 8, 9 and 11 which are quoted as under:-

Para-7 *“Under the aforesaid circumstances, the writ petition is disposed of with a direction to the State Government to take a final decision so far as the request of the University for creation of additional post of Lab In-charge in the subject of Botany in the college in question and on the basis of objective materials and pass appropriate order.*

Para 8- *If on a scrutiny the State does not find any justification in the claim of the*



petitioner taking into consideration the staffing pattern, the State is required to take final decision by a reasoned order.

Para-9 “Accordingly, the Director Higher Education is hereby directed to consider the claim of the petitioner for regularization in terms of staffing pattern and letter dated 17.11.1998 within a maximum period of four months from the date of receipt/production of a copy of this order.”

*Para-11 “Notwithstanding, the pendency of the matter before the Director Higher Education, the respondent-University is required to consider the case of the petitioner for payment in the light of the judgment of the Apex Court in the case of **State of Punjab Vs. Jagjit Singh (2017) 1 SCC 148** and work out the entitlement of the petitioner for the period the petitioner has worked in the University within a maximum period of three months from the date of receipt/production of a copy of this order.”*

5. The learned counsel appearing on behalf of the State, thus, submits that from perusal of Para-11 of the order dated 29.06.2018 in CWJC No. 7396 of 2012, it would manifest that the learned Single Judge while disposing of the writ application had recorded that if the matter of the petitioner remains pending before the Director, Higher Education, in that event the respondent-University would not be barred from



considering the claim of the petitioner for payment, if found eligible.

6. The learned counsel appearing on behalf of the State further submits that the Director, Higher Education, after threadbare inquiry came to a considered conclusion that petitioner is not entitled for regularization as would manifest from his order dated 12.07.2019 contained in Memo No. 1219, Annexure OP 2-4/A of the show cause and also recorded in detail the manner in which the petitioner was working in the college and receiving honorarium, the letter also records that there is no documentary evidence on record with the college with regard to the petitioner regarding payment of his honorarium and after considering the case of the petitioner in detail rejected his claim for regularization.

7. The learned counsel appearing on behalf of the State, thus, submits that the learned Single Judge while disposing of the writ application had directed the University to consider the case of the petitioner for payment of salary, if the claim of the petitioner for regularization before the Director, Higher Education remains pending, but since the Director, Higher Education considered the case and passed a reasoned order, as such, question of payment of any salary does not arise.



8. Considering the submission made by the learned counsel appearing on behalf of the State, the Court does not find any merit in the contempt application.

9. Accordingly, the instant contempt application is dismissed.

(Satyavrat Verma, J)

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