

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16020 of 2015**

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Smt. Saroj Singh W/o Prof. Maheshwar Singh R/o G. Mukharjee Road, Naya Tola, Bhikhanpur, P.S. Kotwali, District - Bhagalpur

... .. Petitioner/s

Versus

1. The T. M. Bhagalpur University
2. The Vice - Chancellor, T. M. Bhagalpur University, Bhagalpur
3. The Registrar, T. M. Bhagalpur University, Bhagalpur
4. The Finance officer, T. M. Bhagalpur University, Bhagalpur
5. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
6. The Special Secretary, Education Department, Govt. of Bihar, Patna
7. The Director, Higher Education Department, Govt. of Bihar, Patna
8. The Principal, Sabour College, Sabour, P.S. Sabour, District - Bhagalpur

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Manager Sah, Advocate  
For the Respondent/s : Mr. Ritesh Kumar, SC33

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

- 4      16-01-2024      1. Heard learned counsel for the petitioner and learned counsel for the respondents.
2. The petitioner filed the instant application for the following reliefs :-

*“(i)For a declaration that the petitioner was legally entitled for absorption and has rightly been absorbed on the post of Lecturer in Economics, Sabour College, Sabour in view of the admitted fact that the petitioner was duly appointed on the post of Lecturer prior to the cut off date i.e. before 30.04.1986 and her name has been shown in R.I. category in the report of Justice*



*Agrawal Commission duly approved and accepted by the Apex Court vide order dated 12.10.2004 passed in Appeal (Civil) No. 6098/1997 (State of Bihar & others Versus Bihar Rajya M.S.E.S.K.K.M. & others) reported in (2005) 9 SCC 120.*

*(ii) For a declaration that in view of the stand taken by the State Govt. in several similarly situated cases including the contempt petition vide M.J.C. No. 758/2011, the petitioner is legally entitled to pension and other admissible retiral dues.*

*iii) For a declaration that the action of the Respondent No. 2 in annulling the absorption of the services of the petitioner is illegal, arbitrary, malafide, malicious and unsustainable in the eye of law tantamount to the violation of Article 14, 16 and 21 of the Constitution of India.”*

3. Learned counsel for the petitioner submits that during pendency of the instant application, by an illegal order dated 18.1.2023 passed by the Registrar, T. M. Bhagalpur University, the petitioner has been terminated long after her superannuation in the year 2010. Learned counsel for the petitioner submits that he has already filed an interlocutory application praying for amendment in the instant writ application, challenging the order of termination.

4. Having heard learned counsel for the parties, in view of the order of termination dated 18.1.2023 having been passed, the Court finds that nothing remains to be decided, so



far as the instant writ application is concerned till the said order of termination is in existence.

5. This writ application is disposed of giving liberty to the petitioner to challenge the order of termination dated 18.1.2023 in appropriate writ application and further liberty to raise the grievances raised in the instant application at an appropriate stage.

6. The writ application stands disposed of.

**(Partha Sarthy, J)**

Harsh/-

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