

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9131 of 2022

Dr. Uday Chandra Mishra, S/o Late Ram Chandra Mishra, Resident of -
H.I.G. 101, Housing Board Colony, Khajsarai Kherajpur, Distret Darbhanga
retired as Associate Professor in the subject of Sociology B.M.A. College
Baheri, Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
2. Principal Secretary, Education Department Govt. of Bihar, New Secretariat, Patna.
3. The Director, Higher Education, Govt. of Bihar, New Secretariat, Patna.
4. The Incharge Officer, Pay Verification Cell, Education Department, Bihar, Patna
5. The Vice-Chancellor, L.N. Mithila University, Darbhanga.
6. The Registrar, L.N. Mithila University, Darbhanga.
7. The Finance Officer, L.N. Mithila University, Darbhanga.
8. The Principal, B.M.A. College Baheri, Darbhanga.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 5914 of 2023

Sharda Sinha (Padmabhushan) W/o Braj Kishore Sinha, Resident of Narayani
Road No.6 and 8 Rajendra Nagar, Sampatchak, P.S.-Sampatchak, District-
Patna.

... .. Petitioner

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Govt. of Bihar, New Secretariat, Patna.
4. The Vice Chancellor Lalit Narayan Mithila University Darbhanga, Registrar Lalit Narayan Mithila University, Darbhanga.
5. The Principle Women's College, Samastipur.

... .. Respondents

Appearance :

(In Civil Writ Jurisdiction Case No. 9131 of 2022)



For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s : Mr. Kameshwar Kumar, GP-17
Mr. Amit Bhushan, AC to GP-17
For the University : Md. Nadim Siraj, Advocate
(In Civil Writ Jurisdiction Case No. 5914 of 2023)
For the Petitioner/s : Mr. Vikas Kumar, Advocate
For the Respondent/s : Mr. Madhaw Pd. Yadav, GP-23
For the University : Md. Nadim Siraj, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
CAV JUDGMENT

Date : 12-01-2024

Since the issue(s) involved in both the writ petitions are identical in nature, with the consent of the parties, they are taken up together and disposed of by a common order. However, for the purposes of easy references, the facts of both the writ petitions are being recorded separately.

2. Heard Mr. Shashi Bhushan Singh, learned counsel for the petitioner; Mr. Amit Bhushan, learned counsel for the State as well as Md. Nadim Siraj, learned counsel for the L.N. Mithila University, Darbhanga (for short “the University”) (in C.W.J.C. No. 9131 of 2022) and Mr. Vikas Kumar, learned counsel for the petitioner; Mr. Madhaw Prasad Yadav, learned counsel for the State and Md. Nadim Siraj, learned counsel for the University (in C.W.J.C. No. 5914 of 2023).

Re.:C.W.J.C. No. 9131 of 2022

3. The petitioner by invoking the prerogative writ jurisdiction of this Court under Article 226 of the Constitution of India seeking quashing of the letter no. 249 dated 07.02.2022



issued under the signature of respondent no.4, whereby the Pay Verification Cell duly constituted by the State Government has withheld the pay slip of the petitioner, relying upon which the University stopped the payment of monthly pension as well as other legitimate terminal dues, including salary difference of the petitioner.

4. It is to be noted that during the pendency of the writ petition, respondent no.3 came out with an order as contained in Memo No. 594 dated 20.02.2023 by which the service of the petitioner has been held illegal, which order was also put to challenge by the writ petitioner by filing Interlocutory Application No.2 of 2023.

5. Now coming to the facts of the case, the petitioner initially joined on the second post of Lecturer on 17.11.1979 in the Department of Sociology, BMA College, Baheri, on the recommendation of the Selection Committee constituted by the Governing Body of the College. Subsequently, the State Government vide letter no. 1333 dated 05.08.1981 sanctioned the second post. Further, for the purpose of absorption of service of teachers under 3rd Absorption Statute, an Absorption Committee was constituted by the Chancellor whereby the names of 28 teachers were approved for absorption vide letter



dated 03.02.1998, however, the said letter was subsequently stayed by the Chancellor. Consequently, CWJC No. 10032 of 1999 was filed, which was disposed of vide order dated 18.07.2008 with a direction to expedite absorption. Being aggrieved, LPA No. 875 of 2008 was preferred and the same stood dismissed on 12.11.2008, resulting into absorption of some of the teachers, leaving apart 13 other teachers, including the petitioner due to some technical reasons.

6. It is the submission of the petitioner that in the meantime, two of the aggrieved temporary teachers, namely, Devendra Rai and Shashi Kant Prasad Singh moved before this Court by filing CWJC No. 17021 of 2008 and CWJC No. 7550 of 2009, which were disposed of vide order dated 16.11.2020 and 18.11.2010, respectively (Annexures-2 and 3 to the writ petition). In compliance to the afore-noted order(s), the University vide letter no. 5562/11 dated 18.10.2011 placed the matter for consideration by the Chancellor for absorption of 13 teachers including the petitioner. The Governor Secretariat also issued letter no. 2400/GS(I) dated 17.09.2013 with a direction to the University to consider the case of the petitioner and other Lecturers for absorption. Pursuant thereto, the Post Creation, Absorption and Confirmation Committee in its meeting dated



22.01.2016 made recommendation for absorption of the petitioner on the post of Assistant Professor in the Department of Sociology and the same was approved by the Syndicate of the University vide Memo No. 3712-21/16 dated 26.09.2016 (Annexure-6 to the writ petition).

7. It is further case of the petitioner that being absorbed w.e.f. 15.06.1982 in view of the order passed in CWJC No. 17021 of 2008 (Devendra Rai v. L.N. Mithila University & Ors.) as also under the scheme of time bound promotion, he was promoted to the post of Reader w.e.f. 15.09.1992 upon the recommendation of University Selection Committee vide Memo No. 6216-27/18 dated 05.05.2018 (Annexure-7 to the writ petition). Consequent upon the promotion, the pay-scale of the petitioner was fixed by the Statutory Pay Fixation Committee and communicated to the Principal of the College (Annexure 8 & 8/1). The pay-scale of the petitioner was further revised by the Statutory Pay Fixation Committee as per the revised UGC scale w.e.f. 01.01.2016 in view of the Memo No. 591 dated 06.03.2019 and pay slips were issued to the petitioner (Annexure-10).

8. The petitioner having rendered more than 36 years of service, superannuated on 31.01.2017 and was accordingly



issued PPO by the University in the pay-scale applicable to the Lecturer as the petitioner was posted as Lecturer at the relevant time and was sanctioned earned leave vide letter dated 22.02.2018 (Annexure-12). The petitioner has been paid his entire salary and pension dues in the pay-scale of Lecturer though he was entitled to receive benefits on the basis of the pay-scale of Associate Professor and for this discrepancy, he represented before the University. However, all of a sudden, after five years of the retirement, the pay slip of the petitioner was withheld by the Pay Verification Cell vide letter no. 249 dated 07.02.2022 and, on the basis thereof, the University also stopped the pension of the petitioner from October, 2021 (Annexure-14 to the writ petition) which is impugned herein.

9. While assailing the order impugned Mr. Shashi Bhushan Singh, learned counsel for the petitioner, submitted that the Pay Verification Cell has no authority to grant approval of the fixation made by the Statutory Pay Fixation as has been held in the case of **Patna University Employees Association & Ors. v. The State of Bihar & Ors. [C.W.J.C. No. 65 of 2001]** (Annexure-17 to the writ petition).

Re.: C.W.J.C. No. 5914 of 2023

10. Similarly, the petitioner being aggrieved by Memo



No. 594 dated 20.02.2023, issued by the Director Higher Education, Government of Bihar, Patna, whereby and whereunder the appointment of 17 teachers, including the petitioner has been held illegal and it has been decided that no benefit shall be given to the aforesaid 17 teachers, preferred the present writ petition, seeking quashing of the same. The petitioner also sought quashing of the letter contained in Memo No. SC/45/23 dated 22.02.2023, whereby she has been informed that in the light of the afore-noted order dated 20.02.2023 issued by the Education Department, Patna, no benefit shall be given to her with immediate effect.

11. It is the case of the petitioner that she was appointed as a Lecturer in the Music Department in the Women's College, Samastipur on 01.07.1977. Further, the State Government vide its letter contained in Memo No. 30 dated 08.01.1982, has sanctioned a second post of Lecturer in the subject of Maithali, Music, Urdu and Sociology in the pay-scale of Rs. 700-1600 in the Mahila College, Samastipur. Accordingly, the post of the petitioner as Lecturer was duly sanctioned by the State Government. It is also the case of the petitioner that her case was duly considered for the purpose of absorption under 3rd Absorption Statute by the Chancellor, but



some of the teachers were absorbed while those of 13 teachers, including the case of the petitioner was left pending. Further in the light of the orders rendered by this Court in **Devendra Rai (supra)** and **Shashi Kant Prasad Singh (supra)**, the case of the petitioner was duly considered along with others by the Chancellor. The University vide letter no. 1278/16 dated 05.08.2016, directed the Principal of Women's College, Samstipur to furnish necessary information regarding the petitioner. In response thereto, the Principal of Women's College, Samastipur wrote a detailed letter to the Registrar of the University with a recommendation for regularization of service of the petitioner as she has been working as an Assistant Professor since last several decades.

12. Pursuant to the aforesaid direction and recommendation made by the Post Creation, Absorption and Confirmation Committee dated 22.01.2016 and subsequently approved by the Syndicate dated 23.01.2016 and further by the direction of the Chancellor dated 24.08.2017, the services of the petitioner was regularized on the post of Assistant Professor, Department of Music, Women's College, Samastipur w.e.f. 15.09.1982 vide Memo No. 3340-72/16 dated 23.09.2016 (Annexure-11 to the writ petition).



13. It is further case of the petitioner that on being regularized as noted hereinabove, the petitioner was allowed time bound promotion to the post of Reader w.e.f. 15.09.1992 vide Notification contained in Memo No. SC/3696-3707/17 dated 18.10.2017. Further, the petitioner has also been accorded promotion to the post of Reader and accordingly the pay-scale of the petitioner was also revised and finally, she superannuated on 31.10.2017.

14. Having been superannuated, her pension was also fixed and paid to her regularly. However, all of a sudden after five years of her retirement, the impugned order contained in Memo No. 594 dated 20.02.2023 came to be passed by the Director, Higher Education, Government of Bihar.

15. It is to be noted that vide order of this Court in CWJC No. 5914 of 2023 dated 26.04.2023, the operation of the impugned order as contained in Memo No. 594 dated 20.02.2023, has been directed to be kept in abeyance.

16. Learned advocates appearing on behalf of the petitioners, while assailing the common impugned order contained in Memo No. 594 dated 20.02.2023 issued by the Director, Higher Education, Government of Bihar, holding the regularization of the petitioners illegal, submitted that



admittedly the second post of Lecturer in both the cases were sanctioned by the State Government w.e.f. 1981 and 1982, respectively and the College in question had already been given affiliation in the subject of Sociology as well as Music from much earlier. The delay in regularization of service of petitioners was caused by the inertness of the respondent(s) and thus the petitioners cannot be blamed that regularization took place after 37-40 years of their appointment. The petitioners have justified their regularization in view of the order passed in CWJC No. 17021 of 2008 by submitting that the Bihar State Litigation Policy-2011, especially clause 4-C(1) provides that it is not required for each and everyone to approach the Hon'ble Court for an issue that has been settled by the Court. Therefore, the petitioner cannot be questioned for claiming parity with the similarly situated case of the writ petitioners. Reliance has been made to a full Bench decision of this Court in the case of **Amresh Kumar Singh v. State of Bihar & Anr. [L.P.A. No. 1028 of 2007] reported in 2018 (2) PLJR 929.**

17. Learned counsel for the petitioners further submitted that the University had fixed the pay-scale of the petitioners, which was admissible pay-scale of Lecturer in UGC scale with admissible increment and payment has been made to



the petitioners accordingly. All the more, in each and every financial year, the University prepares budget in which the name of the petitioners are included and the same is also approved by the State Government. Thus, by granting approval, the State Government, has acknowledged the services of the petitioners as legal. The impugned order passed by the Director, Higher Education, Government of Bihar, after five years of the retirement of the petitioners without there being any proceeding or even any show-cause notice or affording an opportunity of hearing, is apart from illegal, wholly without jurisdiction, and non est in the eyes of law.

18. It is further submitted that the action of the respondents in passing the impugned order is not at all sustainable in view of the judgments rendered by this Court in the cases of **Ranju Devi v. State of Bihar [1999(3) PLJR 504]** and **Dr. Naw Kant Thakur v. Bhupendra Narayan Mandal University, Madhepura & Ors. [CWJC No. 12868 of 2015]**. Further submission has been made that the right to pensionary benefit is a constitutional right and as such cannot be taken away without proper justification as has been held in the case of **State of Jharkhand & Ors. v. Jitendra Kumar Srivastava & Anr. [(2013) 12 SCC 210]**. Similar reliance has also been made



on a judgment rendered by the Apex Court in the case of **R. Sundaram v. The Tamil Nadu State Level Scrutiny Committee & Ors.** [Civil Appeal No. of 2023 (Arising out of Special Leave Petition (Civil No. /2023 Diary No. 15448/2020)], (2023 SCC Online SC 287) referring to para-23 of the aforesaid judgment, submission has been made that any person, whose entire identity, and their past, present and future rights are challenged, must at the least be given an opportunity to be fairly heard. If such a right has been denied to the petitioner(s), the burden of proof lies upon the respondent(s) to disprove the legality of regularization.

19. Counter affidavits have been filed on behalf of the respondent/State as well as the respondent/University.

20. It is contended on behalf of the respondent/State that on being found irregularity by the Pay Verification Cell vide Memo No. 1535 dated 16.06.2022, the Department of Education had constituted a Three Member Committee to inquire into the legality of regularization of service of 17 teachers including the petitioners as was done by the University. Prior thereto, the Department also vide its letter no. 190 dated 03.02.2022 had directed the Pay Verification Cell to immediately postpone the pay verification certificate issued to the petitioners and further



vide letter no. 204 dated 04.02.2022 has sought an explanation from the Registrar of the University for the alleged irregularities in regularization of service of the petitioner after 37 years of his service. It is further submitted that the appointment of the petitioner to the post of Assistant Professor in Sociology on 17.11.1979 was on non-sanctioned post and thus regularization of the petitioner's service was not legal. Moreover, the case of the petitioners is not covered by the order dated 16.11.2010 and 18.11.2010 passed in **CWJC No. 17021/2008 (Devendra Rai v. L.N. Mithila University & Ors.)** and **CWJC No. 7550/2009 (Shashi Kant Prasad Singh v. The State of Bihar & Ors.)** nor can the appointment of the petitioners be considered irregular as per direction contained in para-44 of the **Secretary, State of Karnataka and Others v. Uma Devi [(2006) 4 SCC 1]** rendered by the Hon'ble Apex Court.

21. Learned counsel for the State has further made reliance on a judgment rendered by this Court in **Dr. Shiv Narayan Yadav v. The State of Bihar & Ors. [2001(2) PLJR 817]** and submitted that the temporary teachers cannot be regularized under any of the statutes. He next submitted that in making regularization in question, the permission of the State has not been obtained, which is required under Section 35 of the



Act and as the very appointment of the petitioners is, *void ab initio*, there cannot be any regularization in view of the mandate of the Apex Court in **Secretary, State of Karnataka and Others (supra)**. Further reliance has also been made on the judgment rendered by the Apex Court in **M.P. State Co-operative Bank Ltd. v. Nanuram Yadav [(2007) 8 SCC 264]** as also the **State of Bihar v. Devendra Sharma [(2020) 15 SCC 466]**.

22. On the other hand, learned counsel for the University, referring to the averments made in its counter affidavit, submitted that the claim of the parity by the petitioners with Devendra Rai and Shashi Kant Prasad Singh is rather misplaced, as the petitioners of the present writ petitions were not even as a party to the writ petitions. He further submitted that the State Government vide letter no. 15/M-05/2022-24 dated 04.02.2022 instructed the University to inquire as to how the service of the petitioner, who was not even appointed on a sanctioned post, was regularized after 37 years by issuing a notification dated 26.09.2016. The respondents lastly submitted that in order to inquire the legality of the regularization of the petitioners, a Three Men Committee was constituted and on whose recommendation, the pension of the petitioners and 16



other teachers were directed to be stopped and the regularization of the petitioners has been found illegal and consequently their pension have been stopped.

23. This Court has meticulously heard the learned counsels for the parties and also perused the materials available on record.

24. Admittedly, the petitioners were appointed sometime in the years 1977 and 1979, respectively against the non-sanctioned post which were later on sanctioned in the year 1981 and 1982, respectively.

25. It is needless to observe that the learned Chancellor and the Absorption Committee, which was constituted by the Chancellor, made a recommendation and sent the list before the Vice Chancellor for considering their cases for absorption under 3rd Adsorption Statute. From the said list, the Chancellor approved the name of some of the teachers for absorption and the cases of some of the teachers, including the petitioners, remained pending due to some technical reasons, but that has never been turned down leading to filing of the writ petition by one of the identically situated person in CWJC No. 17021 of 2008, which was disposed of vide order dated 16.11.2010. The learned single Judge while disposing the writ



petition, had directed the respondent/University to consider the case of the petitioner in the light of the observations made by the Constitution Bench in para-44 of the said judgment.

26. It is apt to observe that the Constitution Bench in the case of **Secretary, State of Karnataka and Others (supra)**, had directed the Union of India, the State Government and their instrumentalities to take steps to regularize as a one time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from the date of the judgment and further clarified that regularization, if any already made, but not subjudice, need not be reopened based on this judgment.

27. Thus, in view of the mandate of the Constitution Bench, it was incumbent upon the respondent authorities to consider the claim of the petitioners for their regularization, who have been uninterruptedly discharging their duties to their respective post(s) in the Colleges for more than several decades.



28. This Court has also perused the affidavits filed on behalf of the respondent/University as well as the State. However, it has not been found even a whisper that the case of the petitioners are different from those, who were appointed pursuant to the direction of the Hon'ble Court that their cases be considered in the light of the judgment rendered in the case of **Secretary, State of Karnataka and Others (supra)**, especially in para-44 of the judgment.

29. The petitioners have rightly relied upon the State Litigation Policy, 2011, especially clause 4.C which reads as follows:

4.C. Covered Matters

4.C(1). A good number of cases are from the category of similar cases. Each Government Department will aim to consider and settle the claim of the representationist/ applicant employee/ citizen, if the claim is found covered by any decision of the Court. Many service matters of this nature, can be disposed of at the level of the Department itself without compelling the litigant to come to the Court. In this manner, the Government Departments would be acting as efficient litigants.”

30. Further the afore-noted clause 4.C(1) of the Bihar State Litigation Policy, 2011 has also been taken note of and



approved by the full Bench of this Court in the case of **Amresh Kumar Singh (supra)**, wherein the full Bench has held in para-8 of the said judgment as follows:

“8. We are conscious of the law laid down in the case of **Uma Devi (supra)** and various other legal issues that are involved in the matter, but the fact remains that in the case of thirty employees who were dealt with under similar circumstances, not only similar, but under identical situations, twenty-eight employees, by virtue of the orders passed in the writ petitions and L.P.A's have been reinstated and it is only two persons who are litigating the matter. The Bihar State Litigation Policy, 2011, as indicated hereinabove, mandates that all similarly situated employees should be granted the benefit of covered matters and if orders of the Court have been implemented in case of certain litigants, it should be implemented in respect of all other identically situated persons. If the State Litigation Policy is to be implemented, we have no hesitation in holding that the present respondents should also be dealt with in identical fashion i.e. respondent Surendra Prasad Mahto @ Surendra Pd. Mahto in L.P.A. No. 1509 of 2009 and the appellant Amarish Kumar Singh in L.P.A. No. 1028 of 2007 in identical situation and once on 21.04.2011 a Division Bench of this Court in all other cases has granted benefit to the employees, there is no



reason to go into the legal questions involved in the matter and answer them when we find that in the cases of twenty-eight employees the benefit has been granted to them by virtue of the orders passed by this Court.”

31. It is to be noted that as regards the right to equality guaranteed under Article 14 of the Constitution of India, the position is well settled that the said right ensures equality amongst equals and its aim is to protect persons similarly placed against discriminatory treatment. In fact, it means that all persons similarly circumstanced shall be treated alike both in privileges conferred and liabilities imposed.

32. In the aforesaid legal premise, it can be said that petitioners, who are equally identically situated to those of Devendra Rai and Shashi Kant Prasad Singh, cannot be treated differently than too when the authorities never objected to the petitioners’ working and made payment to them from the government fund and also promoted them during their service period. The petitioners have rightly made reliance upon the judgment rendered by this Court in **Ranju Devi (supra)** and **Dr. Naw Kant Thakur (supra)**, where in identical situation, this Court had held that subsequent to the retirement, the respondents both the State and the University cannot take a plea



that the petitioners had worked on a non-existing post(s) when the services of the petitioners were duly regularized by the University and they have also promoted and being paid from the government funds and allowed to superannuate unconditionally.

33. If an employee has been accorded all the benefits of a regular employee, viz, regular salary in the prescribed pay-scale, increment, promotion leading to regularization and unconditional superannuation with all the retiral benefits, he is obviously a regular holder of the post. If their services is to be terminated or regularization is to be cancelled, State Government should have resorted to statutory rules and regulation, applicable to them. Thus, once a right has been created or vested in favour of the petitioners, that cannot be divested unilaterally, in such a casual and cavalier manner without giving any show cause notice or proper opportunity of hearing.

34. So far the reliance of the State respondents on the judgment rendered by the learned Division Bench in the case of **Dr. Shiv Narayan Yadav (supra)** is concerned, the same is quite distinguishable with the present case as in the present case, the regularization took place in the light of the Constitution Bench judgment, in the case of **Uma Devi (supra)**, specially



para-44, basing upon which services of other identically situated persons have been regularized. Moreover, the provision regarding regularization of the services of the petitioners had the support of law and now it cannot be termed their appointment/regularization *void ab initio* after five years of their retirement. The other judgments relied upon by the State respondents are on similar line of illegal appointment, thus not applicable in the facts of the present case.

35. Time without number, the highest Court of the land in a catena of judgments has held that the right to pensionary benefit is a constitutional right and as such cannot be taken away without proper justification. It would be proper to quote paragraphs-15 and 16 of the judgment rendered in the case of **The State of Jharkhand (supra)**.

"15. In State of W.B. v. Haresh C. Banerjee [(2006) 7 SCC 651 : 2006 SCC (L&S) 1719] this Court recognized that even when, after the repeal of Article 19(1)(f) and Article 31(1) of the Constitution vide Constitution (Forty-fourth Amendment) Act, 1978 w.e.f. 20-6-1979, the right to property no longer remained a fundamental right, it was still a constitutional right, as provided in Article 300-A of the Constitution. Right to receive pension was treated as right to property. Otherwise, challenge in that case was to



the vires of Rule 10(1) of the West Bengal Services (Death- cum Retirement Benefit) Rules, 1971 which conferred the right upon the Governor to withhold or withdraw a pension or any part thereof under certain circumstances and the said challenge was repelled by this Court.

16. The fact remains that there is an imprimatur to the legal principle that the right to receive pension is recognized as a right in "property"...Once we proceed on that premise, the answer to the question posed by us in the beginning of this judgment becomes too obvious. A person cannot be deprived of this pension without the authority of law, which is the constitutional mandate enshrined in Article 300-A of the Constitution. It follows that attempt of the appellant to take away a part of pension or gratuity or even leave encashment without any statutory provision and under the umbrage of administrative instruction cannot be countenanced."

36. Admittedly, the impugned order holding the regularization of the petitioners to be illegal after five years of their retirement, when there was obvious severance of employer and employee relationship, in no stretch of imagination, can be said to be justified under any law, all the more when the same has been passed without there being any proceeding or in



compliance of the principles of natural justice. It is a trite law that no person can be condemned unheard. Any order causing prejudice to the right and entitlement, leading to civil and evil consequences must be in consonance with the principles of natural justice.

37. In view of the submissions advanced on behalf of the parties and the aforesaid settled legal position, this Court has no hesitation to set aside the impugned order(s) as contained in Memo No. 594 dated 20.02.2023 issued by the Director Higher Education, Government of Bihar, Patna, so far it relates to the petitioners as also the letter no. 249 dated 07.02.2022 (Annexure-14 to the C.W.J.C. No. 9131 of 2022) issued by the University.

38. Accordingly, both the writ petitions stand allowed.

39. There shall be no order as to cost(s).

(Harish Kumar, J)

rohit/-

AFR/NAFR	AFR
CAV DATE	04-01-2024
Uploading Date	16-01-2024
Transmission Date	

