

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19683 of 2018

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1. Chandra Shekhar Jha Son of Late Bal Govind Jha, Resident of Ward No.4, Road, Guor Andhra, Andhra Tharhi, Police Station-Rudrapur, Distirct-Madhubani.
 2. Mohan Kumar Jha, Son of Late Nageshwar Jha, Resident of Village Post Balha North, Police Station-Raj Nagar, District-Madhubani.
 3. Krishna Kant Thakur, Son of Sri Bal Ganagadhar Thkaur, Resident of Village- Mahrail, Police Station-Rudrapur, District-Madhubani.
 4. Shyama Nand Jha, Son of Late Badri Narain Jha, Resident of Village- Andhra Tadhi, Police Station-Andhar Tadhi, District-Madhubani.
 5. Prasanna Kumar Mishra Son of Late Sri Kumar Mishra, Resident of Village- Ranipur, Police Station-Chanpatia, District-West Champaran at Bettiah.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Higher Education, Education Department, Government of Bihar, Patna.
3. The Lalit Narayan Mithila University through the Registrar, Darbhanga.
4. The Vice Chancellor, Lalit Narayan Mithila University, Darbhanga.
5. The Registrar, Lalit Narayan Mithila University, Darbhanga.
6. The Principal, Phool Devi Kusheshwar Jha College, Vachaspati Nagar, Andhar Thadhi, District-Madhubani.
7. The Secretary, Managing Committee, Phool Devi Kusheshwar Jha College, Vachaspati Nagar, Andhar Thadhi, District-Madhubani.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 19784 of 2018

1. Sanjay Kumar Jha Son of Sri Chunchun Jha, Resident of Ward No. 06, Road Jhitki, Bangawan, Police Station- Laukahi, District- Madhubani.
2. Dinesh Prasad Rai Son of Late Deo Shankar Rai, Resident of Village and Post - Gonouli, Police Station- Andhara Tadhi, District- Madhubani.
3. Arun Kumar Mishra, Son of Hari Shankar Mishra, Resident of Village- Barsham, Police Station- Bheja, District- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar Through the Principal Secretary, Education Department, Government of Bihar, Patna.



2. The Director, Higher Education, Education Department, Government of Bihar, Patna.
3. The Lalit Narayan Mithila University through the Registrar, Darbhanga.
4. The Vice Chancellor, Lalit Narayan Mithila University, Darbhanga.
5. The Registrar, Lalit Narayan Mithila University, Darbhanga.
6. The Principal, Phool Devi Kusheshwar Jha College, Vachaspati Nagar, Andhar Thadhi, District- Madhubani.
7. The Secretary, Managing Committee, Phool Devi Kusheshwar Jha College, Vachaspati Nagar, Andhar Thadhi, District- Madhubani.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 19683 of 2018)

For the Petitioner/s	:	Mr.Chakrapani, Advocate
	:	Mr.Dipak Kumar, Advocate
	:	Mr.Madhuresh Singh, Advocate
	:	Mr.Sanjay Kumar Singh, Advocate
	:	Mr. Amritanshu Udbhava, Advocate
For the Respondent/s	:	Mr.Ashutosh Ranjan Pandey -AAG 15
	:	Mr. Prabhat Ranjan Singh, AC to AAG 15
For University	:	Mr. Shailesh Kumar, Advocate
	:	Mr. Shahbaj Alam, Advocate

(In Civil Writ Jurisdiction Case No. 19784 of 2018)

For the Petitioner/s	:	Mr.Chakrapani, Advocate
	:	Mr.Dipak Kumar, Advocate
	:	Mr.Madhuresh Singh, Advocate
	:	Mr.Sanjay Kumar Singh, Advocate
	:	Mr. Amritanshu Udbhava, Advocate
For the Respondent/s	:	Ms.Namrata Singh, AC to EX GA 12
For University	:	Mr. Iqbal Asif Niazi, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 29-08-2024

1. Heard learned counsel for the parties concerned.
2. The aforesaid two writ petitions bearing C.W.J.C. No. 19683 of 2018 and C.W.J.C. No. 19784 of 2018 have been filed by Teachers working in Phooldevi Kusheshwar Jha Degree College, Vachaspati Nagar, Madhubani. Five writ petitioners (in C.W.J.C. No. 19683 of 2018) and three writ



petitioners (in C.W.J.C. No. 19784 of 2018) have prayed for grant of benefits arising out of deficit grant. The petitioners claimed for deficit grant from the State to the Institution, as per the Policy of the State Government, according to which, the Institutions, to which affiliation was granted by the Government prior to 09.12.1982, shall be entitled for deficit grant.

3. On 09.12.1982, Vitt Rahit Shiksha Niti of the State Government was notified. The petitioners were appointed by the Governing Body of the College on their respective post/ subjects. The College in question i.e. Phooldevi Kusheshwar Jha Degree College, Vachaspati Nagar, Madhubani was granted affiliation by the State Government on 19.03.1981 vide Memo no. 354(Annexure-1). The affiliation was granted with retrospective effect i.e. from the Sessions 1979-80 and 1980-81. The State Government, vide letter no. 1504 dated 28.08.1981, granted sanction for the post of Principal including the post of Teachers in different subjects.

4. Mr. Chakrapani, learned counsel for the petitioners appearing in both the writ petitions submits that affiliation of the College upto Intermediate level was granted



by State- respondents on 19.03.1981. It is not disputed that Vitt Rahit Shiksha Niti was introduced from 09.12.1982 and the petitioners were appointed on the post sanctioned by the State Government. Learned counsel further submits that petitioners have been working since the date of their appointment and some of them have superannuated during pendency of this writ application. The respondent-State is required to consider the case of the petitioners for grant of all admissible benefits, as the College was granted affiliation prior to 09.12.1982.

5. Learned counsel for the petitioners relied upon the judgment passed by a co-ordinate Bench of this Court in C.W.J.C. No. 8120 of 2016 dated 27.03.2018 (Janardan Prasad Singh v. The State of Bihar and ors.) and submits that similarly situated Teachers of G.D.M. College, Harnaut approached this Court having identical facts and this Court, taking into consideration the fact that affiliation of that College was granted prior to the cut-off date i.e. 09.12.1982, allowed the writ application and directed the respondent-State to work out the financial assistance admissible to the petitioner institution within a maximum period of six months from the date of receipt/production of a copy of this order.



6. The order passed in aforesaid writ application was challenged by the State in L.P.A. No. 1312 of 2018, which was dismissed by a Division Bench of this Court vide order dated 27.02.2019. The only modification which was made by the Division Bench is, that the direction given by Hon'ble Single Judge to the State to work out financial assistance admissible to "financial institution", the Division Bench has changed it as "the petitioners". The State preferred Special Leave Petition against the order dated 27.02.2019, passed by the Division Bench but the same was dismissed by Hon'ble Supreme Court, with a direction to proceed with the contempt petition, if pending before the High Court. The review petition preferred by the State Government before the Hon'ble Supreme Court also got dismissed by order dated 23.04.2024.

7. On the other hand, learned counsel for the State argued that after dismissal of review petition, a curative petition has been filed by the State, which is still pending.

8. I have heard learned counsel for the parties and have gone through the materials available on record. It is not in dispute that affiliation was granted to the College in question upto Intermediate level on 19.03.1981. It is also not



disputed that the petitioners were appointed on the first post in different subjects, sanction of which was granted by the State Government on 28.08.1981. Vitt Rahit Shiksha Niti came into existence w.e.f. 09.12.1982 and the affiliation was granted by the State prior to introduction of Vitt Rahit Shiksha Niti. A co-ordinate Bench of this Court, in identical matter bearing C.W.J.C. No. 8120 of 2016, directed the respondents to work out the financial assistance admissible to the petitioner within a maximum period of six months from the date of receipt/production of a copy of this order. It is pertinent to mention here that Letters Patent Appeal, Special Leave Petition, Review Petition, preferred by the State have been dismissed.

9. In view of the aforesaid discussion, I come to the conclusion that the petitioners have made out a case of similar relief, which was granted to the writ petitioner of C.W.J.C. No. 8120 of 2016. In the result, the respondents are directed to take steps to calculate the financial assistance, payable to the petitioners under deficit grant, after making necessary deductions of the amount which was paid under Vitt Rahit Shiksha Niti introduced in the year 2008 and other payments made to the petitioners from the resources of the College. The admissible amount must be paid to the petitioners within a



period of 05 months from the date of receipt/ production of a copy of this order.

10. With the aforesaid observations and directions, the present writ application is disposed off.

(Anil Kumar Sinha, J)

rinkee/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2024
Transmission Date	NA

