

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2174 of 2015

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Rajesh Kumar Das Son of Late Ladli Mohan Das resident of Mohalla -
Laliyali, Ward No. 10, P.O. Katihar Mill, P.S. Katihar, District - Katihar

... .. Petitioner/s

Versus

1. Bhupendra Narayan Mandal University Laloo Nagar, Madhepura, through its Registrar.
2. The Vice Chancellor, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
3. The Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
4. The Principal, M.J.M. Mahila College, Katihar.
5. The State of Bihar, through the Principal Secretary, Human Resources and Development Department, Government of Bihar, Patna.
6. The Director, Higher Education, Government of Bihar, Patna.
7. Purnea University, Purnea.
8. The Vice Chancellor, Purnea University, Purnea.
9. The Registrar, Purnea University, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Subosh Kumar Jha, Advocate
	:	Mr.Pranav Kumar Jha, Advocate
	:	Mr.Chandra Mohan Jha, Advocate
For the Respondent/s	:	Mr.Kumar Alok, SC 7
For B.N.Mandal Univ.	:	Mr.Ritesh Kumar, Advocate
For Purnea Univ.	:	Mr.Raju Giri, Advocate
	:	Mr.Harsh Vardhan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 03-09-2024

1. Heard learned counsel for the parties concerned.
2. The petitioner has filed the present writ application for quashing letter bearing Memo No. GS (Pro-79/07)- 1493/13 dated 03.05.2013, issued by the Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura, whereby the case



of the petitioner for his absorption/ regularization has been rejected.

3. The brief facts of the case are that initially, petitioner was appointed on daily wage against the sanctioned and vacant post of Lab In-charge (Physics) and joined on 01.05.1984 in M.J.M. Mahila College, Katihar. On 21.03.1991, the Principal of the College sent a letter to the Registrar of Lalit Narayan Mithila University, Darbhanga seeking approval of the appointment of petitioner along with other similarly situated daily wage employees. The Registrar of the University granted approval of the appointment of the petitioner vide Memo No. 3566-68 dated 31.07.1992.

4. Mr. Subodh Kumar Jha, learned counsel appearing for the petitioner submits that in the case of similarly situated employees, initially the University rejected the claim of their absorption by order dated 08.12.2010, which led to the filing of writ petition by them bearing C.W.J.C. No. 11925 of 2012 and a co-ordinate Bench of this Court, vide its order dated 30.07.2012, while setting aside the impugned order dated 08.12.2010, held that the petitioners are entitled to continue on their regularised/absorbed status from 31.7.1992/2.8.1992. The Court has further given liberty to the petitioners to represent for



arrears of salary before the concerned authority.

5. Learned counsel further submits that one of the employee Pronnati Verma, whose approval was granted by the University along with the petitioner, was also writ petitioner no. 7 in the aforesaid writ petition bearing C.W.J.C. No. 11925 of 2012 and her services has been regularized, thus the submission is that similarly situated employees having identical case have been regularized, pursuant to the order passed by this Hon'ble Court.

6. Learned counsel for the University submits that the case of the petitioner is squarely covered by the order passed by this Court in C.W.J.C. No. 11925 of 2012.

7. Learned counsel for the State, however, opposed the prayer and submits that the petitioner is not entitled for absorption/ regularization.

8. Having heard learned counsel for the parties and taking into consideration the fact that in the case of similarly situated employees having the identical facts, this Court while quashing the impugned order, held that they are entitled to continue on their regularized/ absorbed status from the date of approval of their services i.e. from 31.07.1992, accordingly, the present writ application is disposed, exactly in terms of the



order dated 30.07.2012, passed in C.W.J.C. No. 11925 of 2012.

9. In the result, the impugned order dated 03.05.2013 is set aside and the petitioner is also held entitled to continue on his regularized/absorbed status from 31.07.1992. The respondents including University are directed to issue necessary notification in this regard, as was issued in the case of similarly situated employees, vide Annexure-12 dated 17.10.2014. If the similarly situated persons have been paid arrears of salary, the similar relief shall also be extended to the petitioner by the respondents.

(Anil Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.09.2024
Transmission Date	NA

