

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2615 of 2019

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Krishnadeo Singh Ram Pratap Singh resident of Village and Post- Ram pur,
P.S- Suryagarha Distt- Lakhisarai

... .. Petitioner/s

Versus

1. The State Of Bihar through the principal Secretary, Education Department
Govt. of Bihar, Patna Govt
2. The Magadh University through the Vice Chancedllor, BodhGaya. Bihar
3. The Vice - Chancellor, Magadh university, Bodhgaya Bihar
4. The Registrar, Magadh University, BodhGaya. Bihar
5. The Finance officer, Magadh University, BodhGaya Bihar
6. The Principal, T.S. College, Hisua, Nawada Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bijay Kumar Pandey, Adv.
For the Respondent/s	:	A.C. to AAG-15
		Mr.Syed Firoz Raza, Adv.
		Mr.Ritesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 26-02-2024

Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel for the University.

2. This writ application has been filed for the following
relief(s):-

(i) *For issuance of an appropriate writ/writs in
the nature of mandamus commanding and directing
the respondents to treat the services of petitioner
on the post of Library Assistant w.e.f. 16.08.1977
initial date of his joining and pay him all
consequential benefits.*

(ii) *For issuance of an appropriate writ/writs for*



a direction to the respondents to accept the Notification dated 08.05.2005 of the University mentioned in Hon'ble Justice S.B. Sinha (Retd.) Commission in claim petition 706/2013 in which both the State as well as the University filed their affidavit stated that the claimant has been working as Library Assistant.'

The petitioner has been discharging his duties since 16.08.1977 after duly appointed by the Principal Tribeni Salyabhama College (T.S. College), Hisua, Nawada, the University has paid salary till December, 2008.

But arbitrarily the respondents stopped payment in lame excuse that the post of Asstt. Library Assistant does not appear in report of Hon'ble Justice Aggrawal Commission.

(iii) For issuance of an appropriate writ/writs to pay the petitioner all pensionary benefit.

(iv) For issuance of an appropriate writ to pay all retirement benefit and pension etc.

(v) For a direction to the respondent Magadh University to pass order in the light of Hon'ble Justice S.B Sinha Retd. Commission report."

3. Learned counsel for the petitioner submits that the petitioner was appointed as Library Assistant on 16.08.1977 by the Principal of Triveni Salyabhama College, hereinafter referred to as T.S. College and accordingly joined on the said



post on same day i.e. 16.08.1977. After joining, his service book was opened. The post of Library Assistant has been sanctioned and recommended by the State Govt. for Universities and Colleges in the Pay scale Rs.580-860/1200-1800 and requisites qualification fixed is equivalent to matriculation. In its report, the Hon'ble Justice Aggrawal Commission held that "In University Notification dated 08.05.2005, the name of Krishnadeo Singh appears as Lab Bearer (Chemistry)." The Hon'ble Commission also held "before the Justice Aggrawal Commission, however, both the State and the University in their respective affidavit stated that the claimants herein had been working as library Assistant. It is submitted that two posts of library Assistant were sanctioned in T.S. College, Hisua and one Baliram Singh was working on another post and after his retirement he was paid all pensionary benefit. Till date, the University had not taken any final decision and the petitioner has superannuated in 2013 and has not received a single penny or any pension or pensionary benefits. It is submitted that the petitioner was working as Library Assistant and was paid his salary till, 2008 and as such, he worked for more than 30 years in college and as such, he is entitled to get all pensionary benefit etc.



4. Learned counsel for the University submits that the petitioner had approached the Justice S.B. Sinha Commission by by filing Claim Petition No.721 of 2013 for absorption of his service as Library Assistant in T.S. College, Hisua which has been heard along with the Claim Petition no.706 of 2013 and the same was disposed off vide order dated 13.05.2016 (Annexure-6 to the writ application) stating that no post of Library Assistant has been sanctioned and accordingly the Commission directed the University to consider the case of the petitioner and Baliram Singh for absorption on the post of Assistant Librarian subject to verification of the fact that the claimants possess the requisite qualification. Since there is no post, either sanctioned or recommended, available in the College as per the report of the Hon'ble Justice Agrawal Commission, the Commission has shown two posts of Assistant Librarian for which degree/diploma with Graduation Degree is required. It will be pertinent to point out that the petitioner is a matriculate only and is not having the required qualification for Asstt. Librarian (B.A./B.Sc./B.Com) with degree or Diploma in Library Science. The name of the petitioner figured in the State Govt. letter vide 25C as Lib Bearer. His name did not figure in the Agrawal Commission report. In fact he was working in the College as



Daftari and salary was also being paid in the pay scale of Daftari. Moreover he was not absorbed earlier by the University by any letter.

5. Per contra, learned counsel for the petitioner submits that the petitioner’s qualifications and eligibility for employment were duly assessed and verified at the time of initial hiring and the petitioner is not only matriculate, he has also passed the Intermediate examination.

6. Having considered the rival submissions of the parties and perusal of the record, it is apparent that the petitioner did not possess the requisite qualification for the post of Assistant Librarian.

7. In this fact and circumstances, this writ application is hereby dismissed.

(Anjani Kumar Sharan, J)

pallavi/-

AFR/NAFR	
CAV DATE	
Uploading Date	27-02-2024
Transmission Date	

