

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13586 of 2015

1. Atul Kumar Alias Atul Kumar Singh Son of Ramshankar Singh, resident of village- Korlahiya, P.S.- Runisaidpur, District- Sitamarhi at present working as Clerk, J.S. College, Chandauli, P.S.- Belsand, District- Sitamarhi
- 2.1. Ranjana Kumari W/O Late Krishna Mohan Singh Resident of Village- Athari, P.S.- Runnisaidpur, District- Sitamarhi, Bihar, at present, R/O Lane No. 6, Sadpura, Ganipur, P.S.- Ramna, Muzaffarpur, Bihar.
- 2.2. Shubham S/O Late Krishna Mohan Singh Resident of Village- Athari, P.S.- Runnisaidpur, District- Sitamarhi, Bihar, at present, R/O Lane No. 6, Sadpura, Ganipur, P.S.- Ramna, Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Higher Education, Patna.
2. The Commissioner, Human Resources Development Department Higher Education, Government of Bihar, Patna.
3. The Additional Commissioner-cum-Special Secretary, Human Resources Development Department, Government of Bihar, Patna.
4. Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur through its Registrar
5. The Vice Chancellor, Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur
6. The Registrar, Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur
7. The Principal, J.S. College, Chandauli, P.S.- Belsand, District- Sitamarhi
8. Arun Kumar Singh at present posted by Transfer as Clerk, J.S. College, Chandauli, P.S.- Belsand, District- Sitamarhi

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Uma Kant Tiwary, Advocate
For the Respondent/s : Mr. Sheo Shankar Prasad, SC-8

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 5 05-02-2024 1. Heard learned counsel for the petitioners and
learned counsel for the respondents.
2. The petitioners have filed the instant application



for the following relief(s):-

“i) An appropriate writ, order or direction commanding the respondents 2nd party to remove the respondent no.8 from the College within a time frame, be issued.

ii) An appropriate writ, order or direction commanding the respondents 2nd party to adjust the petitioners against the vacant posts sanctioned by the respondents 1st party within a time frame, be issued.

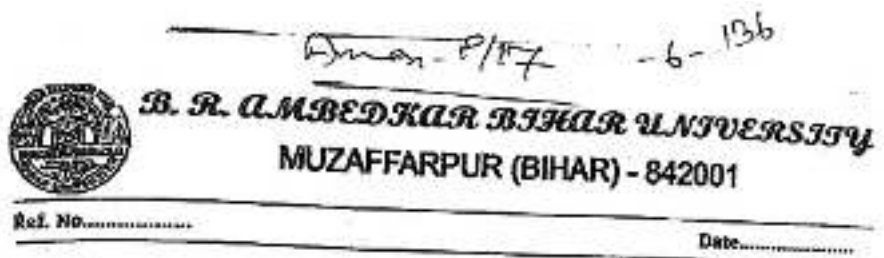
iii) An appropriate writ / order / direction, commanding the respondent University to make payment of the petitioners' salary both current and arrear within a time frame, be issued;”

3. At the outset learned counsel for the petitioners submits that by order dated 23.7.2021 issued under the signature of the Registrar, B R Ambedkar Bihar University, Muzaffarpur and which has been brought on record as Annexure P/17 to the supplementary affidavit of the petitioners, the Syndicate in its meeting held on 15.2.2021 has resolved to regularize the service of both the petitioners against Class III and Class IV post respectively under staffing pattern with effect from 1.3.1986 against vacant sanctioned posts. It has further been observed that the monetary benefit pursuant to the said regularization will be paid after availability of fund from the State Government.

4. The office order dated 23.7.2021 is reproduced



herein below:-



OFFICE-ORDER

The Syndicate, at its meeting held on 15.02.2021 vide item No. 10 of the proceedings considered the matter relating to regularisation of the services of Shri Atul Kumar and Shri Arvind Kumar Singh as Class III employees as well as of Shri Krishna Mohan Singh as Class IV employee and resolved to regularise their services under staffing pattern with effect from 01.03.1986 against vacant sanctioned post and it be sent to the State Government for information and availability of fund.

However, the monetary benefit viz. their salary shall be paid to them in the prescribed pay scale of their cadre (i.e. Rs. 5200-20200/- +1900 (G.P.) to Shri Atul Kumar and Shri Arvind Kumar Singh and Rs. 4440-7440/- + 1650 (G.P.) to Shri Krishna Mohan Singh) after availability of fund from the State Government.

By order of the Vice-Chancellor.

Memo No. 12/28 / dated, Muz. the 23/2 Registrar 2021.

Copy forwarded to:

1. All Concerned.
2. The persons concerned.
3. The Principal, J.S. College, Chandauli.
4. The Finance Officer, B.R.A. Bihar University, Muzaffarpur.
5. Section Officer (A/C), B.R.A. Bihar University, Muzaffarpur.
for information and necessary action.

H/A.
26/02/2021
26/02/2021

Registrar
23/02/21

5. Learned counsel for the petitioners submits that pursuant to the said order of regularization and steps having been taken by the University, nothing remains to be pursued so far as the instant writ application is concerned.

6. A copy of the said supplementary affidavit was



served on learned counsel for the University as also learned counsel for the State on 2.1.2024, however, no reply has been filed thereto.

7. In view of the facts and circumstances stated herein above, this writ application stands disposed of with a direction to the Registrar, Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur (respondent no. 6) to take steps for payment of the monetary benefits pursuant to the aforesaid order dated 23.7.2021 and to pay the same within a period of four months from the date of receipt/production of a copy of this order. At the same time, it is directed that the requisite fund shall be made available to the University on requisition for the same being made, by the Secretary, Higher Education, Government of Bihar, Patna.

8. The writ application stands disposed of.

(Partha Sarthy, J)

Shiv/-

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