

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4262 of 2017

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1. Krishna Prasad and Ors Son of late Dharm Nath Prasad, resident of Village-Pathra, P.O.- Rashidpur, P.S.- Garkha, District- Saran.
 2. Anil Kumar, son of Late Rajendra Nath Bhakta, resident of Village-Rasoolpur, P.O.- Rasoolpur, P.S.- Amnaur, District- Saran.
 3. Binod Kumar Singh, Son of Late Raj Bali Singh, resident of Village-Bangara Deeh Tola, P.O.- Dumarsan Bangara, P.S.- Masharak, District-Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Higher Education, Bihar, Patna.
3. Jai Prakash University, Chapra through its Registrar.
4. The Registrar, Jai Prakash University, Chapra.
5. The Governing Body of Deoraha Baba Shreedhar Das Degree Mahavidyalaya, Rampur Kadna, Garkha Saran
6. The Secretary, Governing Body of Deoraha Baba Shreedhar Das Degree Mahavidyalaya, Rampur Kadna, Ga
7. The Principal Deoraha Baba Shreedhar Das Degree Mahavidyalaya, Rampur Kadna, Garkha Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Adv.
	:	Mr. Harshvardhan Shivsundaram
For the Respondent/s	:	Mr. S.C. Mishra-Sc16
For the J.P. University	:	Mr. Bajarangi lal
For the Respondent		
No. 7	:	Mr. Gyan Prakash
	:	Ms. Parul Priya

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 24-09-2024 1. The petitioners who claims to be working in the Deoraha Baba Shreedhar Das Degree Mahavidyalaya, Rampur, College affiliated unit of Jay Prakash University, Chapra, has filed the present writ application for a direction to the respondent no. 5 and 6 to send the name and relevant documents



of the petitioners to the Selection Committee constituted under Section 57B of the Bihar State University (Amendment) Act, 2013, so that the Selection Committee could scrutiny the cases of the petitioners for approval.

2. The petitioners claimed to have appointed pursuant to advertisement published in 1994 in the Respondent/College. According to the petitioners, they were appointed, after approval of appointment of Lecturers by the University in the College in question *vide* letter dated 28.09.1995 (*Annexure 1*).

3. Learned senior counsel for the petitioners submits that after coming into force the Amendment of 2013 by which the Section 57B was added, the College has not recommended the name of the petitioners to the Selection Committee of the University and the limited prayer of the petitioners is that their names should be recommended by the College before the Selection Committee for approval in terms of Section 57B inasmuch as the petitioners were appointed prior to the cut off date of 19.04.2007.

4. On the other hand, learned counsel for the Respondent/University as well as respondent no. 7 argued that the validity of the petitioners appointment and his termination was a subject matter of the writ application filed by the



petitioners and others in CWJC No. 5314 of 2010 which was disposed *vide* order, dated 30.07.2010, directing the Vice-Chancellor of the University to conduct a thorough inquiry in the matter and give a finding after hearing all the parties with regard to the validity or otherwise of termination of services of both teaching and non-teaching employees of the College. The Vice-Chancellor submitted a report, dated 28.08.2010, with a finding that services of the petitioners were not valid and the Governing Body of the College, in its meeting on 26.10.2001, had approved a list of teaching and non-teaching staffs of the College wherein name of the petitioners are not mentioned.

5. The report of the Vice-Chancellor was challenged by the petitioners in another writ application bearing CWJC No. 15293 of 2010 which was disposed *vide* order, dated 28.04.2011, on the basis of the finding that there are many disputed facts and issues which cannot be decided in favour of the petitioners and a detailed adjudication is required to be made after going through all the facts and records by a Civil Court where all the parties will get a chance to whether approve their case or demolish the assertions of the case.

6. Learned counsel further submits that the Selection Committee, constituted under Section 57B, approved the



appointment of twenty eight teaching employees of the College *vide* office order, dated 26.08.2021.

7. I have heard learned counsel for the parties and have gone through the materials on record including the orders passed earlier by this Court. The controversy has been raised by the petitioners after the policy of the Government introduced in 2008 for grant-in-aid to the affiliated colleges. The writ application filed by the petitioners for the first time in CWJC No. 5314 of 2010 regarding the termination and/or validity of the appointment was disposed with a direction to the Vice-Chancellor to hold inquiry and submit a detailed report. The Vice-Chancellor after giving opportunity to all concerned submitted a report on 28.08.2010 finding the appointment of the petitioners as not valid and petitioners were not found working in the said College. This finding was challenged by the petitioners in another writ application and a Co-ordinate Bench of this Court directed the petitioners to file a civil suit against the finding arrived at by the Vice-Chancellor *vide* order, dated 28.04.2011. The petitioners did not file any suit against the finding of the Vice-Chancellor and after six years have filed the present writ application seeking a direction from this Court to recommend their names for approval before the Selection



Committee. Unless the validity of the appointment and/or termination of the petitioners is adjudicated by the Civil Court as directed by this Court in the writ application filed by the petitioners, the prayer of the petitioners for a direction to the College to send their names before the Selection Committee under Section 57B cannot be granted. The very validity of the appointment of the petitioners or termination is still pending to be decided by the Civil Court.

8. Accordingly, I do not find any merit in the present writ application and the same is dismissed.

(Anil Kumar Sinha, J)

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