

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5635 of 2021

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1. Md. Nazrul Islam son of Late Md. Saghiruddin resident of village - Teghra Western (Congress Office), P.S. - Teghra, District- Begusarai.
 2. Devendra Kumar Roy son of Late Ramnandan Mahto resident of village - Atarua, P.S. - Bhagwanpur, District - Begusarai.
 3. Md. Akbar Azmi son of Late Md. Mansoor Azm resident of village - Daniyalpur, P.S. - Teghra, District- Begusarai.

... .. Petitioner/s

Versus

1. Lalit Narayan Mithila University Darbhanga through its Vice Chancellor.
2. Vice Chancellor, Lalit Narayan Mithila University, Darbhanga.
3. Registrar, Lalit Narayan Mithila University, Darbhanga.
4. R.B.S. College, Teyai, Teghra, Begusarai through its Principal.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Baidyanath Thakur, Mr.Md. Fahimuddin, Advocates
For the University	:	Mr. Manoj Kumar Singh, Adv.
For Respondent No.4	:	Mr. Ansul, Sr. Advocate.

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

9 02-12-2025 Heard Mr. Baidyanath Thakur, learned counsel for the petitioner, Mr. Manoj Kumar Singh, learned counsel for the Lalit Narayan Mithila University, Darbhanga and learned counsel representing Respondent No.4/ R.B.S. College, Teyai, Teghra, Begusarai.

2. The present writ petition has been preferred for the following relief(s):-

“(i) For quashing the official order dated 27.06.2020 passed by the Registrar of the Lalit Narayan Mithila University, Darbhanga (Respondent 3) whereby the effective date of valid



and legal entitlement of service of the petitioners was held to be on and from 12.03.2017 when the Governing Body of the RBS College, Teyai, Teghra, Begusarai accepted the recommendation of the Selection Committee in its meeting held on that day itself instead of earlier appropriate date.

Further, a writ of Mandamus be issued;-

(ii) For direction to the Vice Chancellor of L N Mithila University, Darbhanga to absorb the services of the petitioners with effect from the dates of their initial appointments with all consequential benefits.

Further any other order(s) may be passed, direction(s) given or reliefs granted to the petitioner which he is entitled to in the facts and circumstances of the case.”

3. Learned counsel for the petitioners submits that the Governing Body of the College by taking a conscious decision had appointed these petitioners, namely, Md. Nazrul Islam, whose appointment was made in Commerce subject on 16.12.1981, Devendra Kumar Roy, whose appointment was made in Economics subject on 12.02.1980 and Md. Mansoor Azm was appointed in Sociology subject on 12.02.1980. But the Registrar of the University vide Letter no. C/IC/27860-62/20 dated 27.06.2020 intimated the date of absorption and instead making absorption from the date of their respective



appointments, has shown compliance of the order dated 21.01.2020 passed in CWJC No. 21501 of 2019 (Md. Nazrul Islam & Ors. v. LNMU & Ors) by accepting the recommendation of the Selection Committee in its meeting held on 12.03.2017 and accordingly, the date of meeting held on 12.03.2017 have been made effective date for entitlement to service benefits in respect of these petitioners and no reason has been assigned as to why such dates is fixed for determining the rights of these petitioners.

4. Learned counsel for the petitioners by referring to the provisions of Section 57A(6) of the Bihar State Universities Act, 1976 (amended up-to-date) submits that a teacher appointed by the Governing Body of the College prior to 19.04.2007 against the sanctioned post was to be regularized from the date of initial appointment but by misconstruing the provision of Section 57A of the Bihar State Universities Act, 1976 (amended up-to-date) has accepted the date on which the recommendation was made by the Selection Committee, which is contrary to the statute and for that the petitioners are said to have represented before the Registrar giving details of their entitlement, which needs to be considered by the University keeping in mind that these petitioners were duly appointed under Rule 14(iii) of the 1st



Statute, which is very relevant for considering the absorption of such teachers by making it effective from the date of their initial appointments, which has not been done in the case of these petitioners.

5. Learned counsel for the petitioners by referring to Annexures 7, 11 and 12 submits that in the case of similarly situated persons, the absorption has been directed from the date of initial appointment but for unexplained reason these petitioners have been discriminated, which the authorities are required to take corrective measures, to accord similar benefits in terms of the statutory provision of the Bihar State Universities Act, 1976.

6. On the other hand, Sri Manoj Kumar Singh, learned counsel representing the L.N. Mithila University submits that since the representation showing their entitlement based on statutory provision has already been made, therefore, appropriate direction may be issued for consideration in accordance with law.

7. Considering the submissions of the parties, this Court finds that the order dated 27.06.2020 does not take care of the statutory scheme, which provides for entitlement of service benefits from the date of initial appointment and the same



having not been taken care of, this order cannot be allowed to continue any longer and accordingly, is set aside and all these petitioners are directed to file individual representation before the Registrar, L.N. Mithila University, Darbhanga within a period of four weeks from today and on submission of such representation with supportive materials along with a copy of the instant order, the same shall be adjudicated within a period of six weeks thereafter, and if benefits which find favours to these petitioners shall also be extended within the same time.

8. With the aforesaid observation and direction, the present writ petition stands disposed of.

(Ajit Kumar, J)

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