

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5209 of 2025

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Sanju Devi W/o Late Raj Kumar Singh, R/o near Gaushala Road, Naugachia,
P.S.- Naugachia, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The T.M. Bhagalpur University Bhagalpur, through its Registrar.
2. The Vice-Chancellor, T.M. Bhagalpur University, Bhagalpur.
3. The Registrar, T.M. Bhagalpur University, Bhagalpur.
4. The Finance Officer, T.M. Bhagalpur University, Bhagalpur.
5. The Principal, T.N. B. Law College, Bhagalpur.
6. The Principal, M.A.M. College, Bhagalpur.
7. The State of Bihar, through the Additional Chief Secretary, Education Deptt., Govt. of Bihar, New Secretariat, Patna.
8. The Deputy Secretary, Education Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
9. The Director, Higher Education Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 7747 of 2025

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Kumari Rajbala D/o Late Dr. Ashok Kumar Singh, W/o Praveen Kumar, R/o
Alkapuri, Bhagwanpur, P.S- Sadar, Town and District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The T.M. Bhagalpur University Bhagalpur, through its Registrar.
2. The Vice-Chancellor, T.M. Bhagalpur University, Bhagalpur.
3. The Registrar, T.M. Bhagalpur University, Bhagalpur.
4. The Finance Officer, T.M. Bhagalpur University, Bhagalpur.
5. The Principal, T.N.B. Law College, Bhagalpur.
6. The State of Bihar, through the Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
7. The Deputy Secretary, Education Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
8. The Director, Higher Education Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.

... .. Respondent/s



with
Civil Writ Jurisdiction Case No. 10727 of 2025

1. Braj Kishore Yadav Son of Late Ramdev Prasad Yadav @ Late Ramdev Yadav, Resident of Village- Khutaha, P.S- Lodipur, District- Bhagalpur.
2. Uday Kant Jha, S/o Late Chamak Lal Jha, R/o vill.- Dadnichak, P.S. - Belhar, Dist. - Banka.
3. Bijay Prasad Sah, Son of Late Chunchun Prasad Sah, Resident of Baluwachak, P.S.- Jagdishpur, District- Bhagalpur.
4. Shyam Yadav, Son of Banwari Yadav, Resident of Shahibganj, P.S. T.M. University, District- Bhagalpur.
5. Niranjana Prasad Sinha, Son of Late Ayodhya Prasad Ram, R/o- Village- Masarpur, Ram Krishna Nagar, Fatehpur, P.S. - Sabour, District- Bhagalpur.
6. Shankar Pathak, S/o Late Jagarnath Pathak, R/o Village and P.O. - Chhoti Bhaishdira, P.S.- Barari, District - Katihar.
7. Sushil Kumar Mishra, S/o Late Hari Mishra, R/o Village and P.O.- Rampur, P.S. - Rajaun, District- Banka.
8. Mahesh Chandra Jha, S/o Late Mahadhan Jha, R/o- Sabour, P.S.- Sabour, District- Bhagalpur.
9. Krishna Nandan, S/o Late Lakshmi Prasad Yadav, R/o Anand Nagar Colony, Sabour, P.S.- Sabour, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The T.M. Bhagalpur University Bhagalpur through its Registrar.
2. The Vice-Chancellor, T.M. Bhagalpur University, Bhagalpur.
3. The Registrar, T.M. Bhagalpur University, Bhagalpur.
4. The Finance Officer, T.M. Bhagalpur University, Bhagalpur.
5. The Principal, Sabour College, Sabour, District- Bhagalpur.
6. The State of Bihar, through the Principal Secretary, Education Department, Government of Bihar, Patna.
7. The Director, Higher Education Deptt., Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 5209 of 2025)

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Adv. Mr. Avanindra Kumar Jha, Adv. Mr. Jitendra Acharya, Adv. Mr. Ram Naresh Jha, Adv. Mr. Bishwash Vijeta, Adv.
For the Respondent/s	:	Mr. Sunil Kumar Mandal, SC-3 Mr. Arjun Prasad, AC to SC-3
For the University	:	Mr. Ritesh Kumar, Adv. Mr. Ashhar Mustafa, Adv.



Ms. Anita Kumari, Adv.
(In Civil Writ Jurisdiction Case No. 7747 of 2025)
For the Petitioner/s : Mr. Purushottam Kumar Jha, Adv.
Mr. Avanindra Kumar Jha, Adv.
Mr. Jitendra Acharya, Adv.
Mr. Ram Naresh Jha, Adv.
Mr. Bishwash Vijeta, Adv.
For the Respondent/s : Mr. Sunil Kumar Mandal, SC-3
Mr. Arjun Prasad, AC to SC-3
For the University : Mr. Ritesh Kumar, Adv.
(In Civil Writ Jurisdiction Case No. 10727 of 2025)
For the Petitioner/s : Mr. Purushottam Kumar Jha, Adv.
Mr. Avanindra Kumar Jha, Adv.
Mr. Jitendra Acharya, Adv.
Mr. Ram Naresh Jha, Adv.
Mr. Bishwash Vijeta, Adv.
For the Respondent/s : Mr. Mujtabaul Haque, GP-12
Mr. Manish Kumar, AC to GP-12
For the University : Mr. Ritesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 11-09-2025

Heard Mr. Purushottam Kumar Jha, learned Advocate for the petitioners and Mr. Ritesh Kumar, learned Advocate with Mr. Ashhar Mustafa, learned Advocate for the Tilka Manjhi Bhagalpur University, Bhagalpur (hereinafter referred to as, “University”). The State is also represented through respective counsels.

2. In all these writ petitions, the petitioners are aggrieved with the Notification No. 120/2023 dated 18.01.2023, whereby the petitioners along with other identically situated teaching and non-teaching employees of Fourth Phase Constituent Colleges of the respondent University have been terminated from their services.

3. The action of the respondent University and the



impugned orders have been questioned on various grounds, *inter alia*, the impugned order came to be passed unilaterally without holding any regular departmental proceeding, at the fag end of their services and in some of the cases, even after the death of the incumbent or after retirement. The action of the respondent University is said to be illegal, unjustified, unsustainable in law, apart from wholly without jurisdiction.

4. Identically situated teaching and non-teaching employees of Fourth Phase Constituent Colleges, aggrieved with the impugned order, have knocked the door of the Court and their cases have come up for consideration before the different co-ordinate Benches of this Court in CWJC Nos. 9052 of 2022, 18166 of 2021, 5745 of 2025, 12839 of 2025 and 7557 of 2025. The Court in all these matters, on being found the order of termination of the services of the employees after death or retirement, without holding any regular departmental proceeding contrary to any service jurisprudence, set-aside the impugned order/notification No. 120/2023 dated 18.01.2023 *qua* the petitioner(s) of the said cases vide different orders.

5. The aforesaid fact has not been refuted by learned Advocate for the University. However, it has been informed to this Court that in the present batch of the writ petitions,



petitioners of CWJC Nos. 5209 of 2025 and 7747 of 2025 are appointed on compassionate ground and if the termination order goes, in such circumstances, they would have been reinstated in their respective services, thus liberty may be accorded to the University to proceed in accordance with law, if intended to do so. He further submits that in CWJC No. 10727 of 2025, out of nine petitioners, petitioner no. 6 (Shankar Pathak) and petitioner no. 7 (Sushil Kumar Mishra) were terminated during the service period and in case, the termination order goes, identical liberty may be accorded to the University to proceed further, in accordance with law.

6. Having considered the submissions set-forth by learned Advocate for the respective parties and taking note of the orders passed in identical matters, wherein the Court unequivocally clarified that no person can be condemned unheard and the impugned order has been declared to be wholly illegal, without jurisdiction and in complete violation of the principles of natural justice; besides, holding any departmental proceeding; and further once an employee superannuated and the retiral benefits and the pension have already been accorded, there is complete severance of the bond of employee and the employer relationship and no cause of actions exists for



continuance of the departmental proceeding by the efflux of time, without following any procedure.

7. In view of the aforementioned legal position and in order to maintain uniformity, this Court is hereby set-aside the Notification No. 120/2023 dated 18.01.2023, issued by the respondent Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur qua the petitioners.

8. So far the other grievance of the petitioners prayed for in their respective writ petitions are concerned, the petitioners shall approach before the Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur by filing a detailed representation with their due retiral benefits and arrears, which shall be considered and disposed off by a reasoned and speaking order, preferably within a period of three months, from the date of filing of such representation.

9. With the aforesaid direction and liberty, the writ petitions stand disposed off.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.09.2025
Transmission Date	NA

