

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8729 of 2022

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Mukesh Kumar Sinha, Son of Late Krishna Prasad Sinha, R/o Sai Pushpanjali
No.-2, Sai City, Near Sai Temple, Pundag, Ranchi, Jharkhand- 834004.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education,
Govt. of Bihar, Patna.
2. The Vice-Chancellor Munger University, Munger, District- Munger.
3. The Registrar Munger University, Munger, District- Munger.
4. The Principle Mahila College, Khagaria, District- Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Akshansh Shanker, Advocate Mr. Nikesh Kumar, Advocate
For the Respondent/s	:	Mr. Subhash Chandra Mishra, SC-16 Mr. Pramod Kumar Singh, AC to SC-16
For the University	:	Mr. Anand Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 10-07-2025

Heard the parties.

2. The petitioner has approached this Court seeking a direction upon the respondents to ensure payment of all the post retiral benefits, who has superannuated from the post of Assistant Professor in the Department of History from Mahila College, Khagaria; a constituent college of Munger University on 28.02.2021.

3. The grievance of the petitioner is in limited bound. Pursuant to a local advertisement, the petitioner, who was having qualification of Master in History applied and finally selected for the post of Lecturer in the Department of History in Mahila College, Khagaria on 20.02.1981. At the relevant time,



the College, in question, was an affiliated College of Bhagalpur University and later on it was converted into constituent College of Bhagalpur University, which was renamed as Tilka Manjhi Bhagalpur University.

4. On account of controversies raised with respect to the services of the employees of the Colleges of different constituent Colleges of IV phase, various writ applications were filed in the Court, including (Bihar Rajya M.S.E.S.K.K.M. & Ors.) C.W.J.C. No.4021 of 1997. The matter travelled up to the Apex Court in S.L.P. No.6098 of 1997, which was disposed off vide order dated 12.10.2004. In pursuant thereto, a One Man Committee was constituted under the Chairmanship of Hon'ble Justice (Retd.) S.C. Agrawal. The record of all the employees, including the petitioner was placed before the Commission and the Commission headed by Hon'ble Justice (Retd.) S.C. Agrawal, submitted his report in favour of the petitioner. In pursuant to the said report, finally the University issued regularization letter in favour of the petitioner as directed by the Apex Court, the copy of which is placed on record as Annexure-4.

5. Notwithstanding the facts noted hereinabove, once again unsuccessful candidates approached this Court and the matter again travelled upto the Apex Court in SLP (C) No.12591 of 2010 and by order dated 22.01.2013, in order to settle the



dispute in relation to 4th phase Colleges, One Man Commission was constituted under the Chairmanship of Hon'ble Justice (Retd.) S.B. Sinha. The matter in relation to the appointment of the petitioner, once again examined by the subsequent Commission headed by Hon'ble Justice (Retd.) S.B. Sinha and all the objections raised against the petitioner stood rejected and regularization of the petitioner was affirmed. Taking note of the abovementioned position, the petitioner was finally accorded the promotion to the post of Assistant Professor and subsequent thereto he reached his age of superannuation on 28.02.2021 after attaining 65 years.

6. Upon being superannuated, the petitioner submitted all the necessary required documents for extending all the retiral benefits and other admissible dues, in the meanwhile, the respondent-Munger University has come out with letter no.16/2022 dated 03.03.2022 and again a clarification has been sought for with regard to the improvement examination of M.A. A query has been made with regard to the date of eligibility for consideration of absorption of the petitioner on the initial post. In response to the aforesaid letter, a detailed representation has been filed on behalf of the petitioner, the copy of which is marked as Annexure-11.

7. Referring to the aforesaid facts, Mr. Akshansh



Shanker, learned Advocate for the petitioner, thus contended that once the initial appointment of the petitioner and his regularization on the post of Lecturer has been duly verified and approved by both the Commissions, including the Commission headed by Hon'ble Justice (Retd.) S.C. Agrawal and further Hon'ble Justice (Retd.) S.B. Sinha, any objection raised by the University is not only unwanted rather amount to overreaching the decision taken by the Commission and/or in anyway not justified. The petitioner has now already superannuated on 28.02.2021 and even after lapse of about four years, he has not been accorded his rightful benefits, compelling him to approach this Court.

8. Placing reliance upon a decision rendered by the High Court of Jharkhand at Ranchi in the case of **Phul Chandra Thakur v. The State of Jharkhand & Ors. [W.P.(S) No.5240 of 2021]**, the learned Advocate for the petitioner further buttress his submission by contending that once the petitioner has already superannuated and there had never been any objection with regard to the appointment and regularization, and even if there was any objection, the same had already been stood rejected by the Commissions twice, as afore-noted; hence, it is not open for the respondents to raise the issue of appointment afresh after retirement of the petitioner.



9. On the other hand, learned Advocate for the State and the University submitted that the service of the petitioner has been approved by Hon'ble Justice (Retd.) S.C. Agrawal Commission and as per the said report, his date of eligibility was 13.07.1994, since at the time of appointment, he did not have high second class post-graduation qualification; hence, this objection has been raised. The service of the petitioner was again examined and an explanation has been sought for, which is under consideration. However, they did not confront with the position as has been stood settled by both the Commissions, as afore-noted.

10. Having heard the learned Advocate for the respective parties and considering the materials available on record, this Court finds that the facts are admitted to the extent that the record in relation to the service of the petitioner was firstly placed before Hon'ble Justice (Retd.) S.C. Agrawal Commission, wherein the Commission found.....“(viii) Shri Mukesh Kumar Sinha was appointed as Lecturer in History by order dated March 1981. On the date of appointment, he did not have high second class Post Graduation qualification. He obtained M.A. Degree with 55.7% marks on July 13, 1994. He became eligible for consideration on July 13, 1994.”...

11. The controversy further arose and the matter had



come up for consideration before the Apex Court again; pursuant to the direction of the Hon'ble Supreme Court, all the matters were placed before the Commission under the Chairmanship of Hon'ble Justice (Retd.) S.B. Sinha. The entire matter relating to appointment and regularisation was further deliberated and examined by the Commission and finally it was opined in favour of the petitioner and rejected all the objections, resulting into regularization of the services of the petitioner and further promotion to the post of Assistant Professor. Once, admittedly, twice the record relating to service of the petitioner and regularization was considered by both the Commissions, afore-noted, this Court finds that cognizance of any objection taken by the respondents is wholly unjustified, improper and without jurisdiction. The issue which already came to be settled long back in the year 2015, it cannot be reopened after attaining superannuation of the petitioner in the year 2021. The response to the query made by the petitioner, the copy of which is also placed on record as Annexure-11, also finds substance and clarified the position; nonetheless, the petitioner has yet not been accorded his retiral and other admissible benefits, which would certainly amount to reopening of the settled matter by overreaching the reports of both the Commissions, constituted in pursuant to the decision of the Hon'ble Supreme Court to



resolve the dispute. There must be an end of the doubt at least when the relationship of the employer and employee severed on account of superannuation.

12. This Court does not find any justification in withholding retiral benefits of the petitioner. Cognizance of any objection at this stage would amount to suspecting the report of the Commissions, which may lead to unsettle the settled position. Accordingly, this Court directs the respondent-Munger University, Munger to accord all retiral and other admissible dues to the petitioner in accordance with law, preferably within a period of twelve weeks from the date of receipt/production of a copy of this order.

13. The writ petition stands allowed.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17-07-2025
Transmission Date	

