

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18532 of 2017

1. Mrityunjay Kumar Thakur and Ors son of Naval Kishor Thakur, ward no 7 Nandani Parasuram, P.S. Mohiuddin Nagar, District- Samastipur.
2. Mr. Rajeev Kumar, son of Sahdeo Jha, resident of Ward No. 13, Near Kali Mandir, Sonbarsa Chowk, P.S. Musapur, District- Samastipur.
3. Varsha Kumari, wife of Anand Kumar, resident of Shastri Gali, Tajpur Road, Ward No. 11, Kashipur, P.S. and District- Samastipur.
4. Mukund Kumar, son of Ramashray Thakur, resident of Village- Nandani, P.S. Sivaisinghpur, District- Samastipur.
5. Shabnam Kumari, wife of Ankesh Kumar, resident of Village- Chandchaur Mathurapur, P.S. Ujiyarpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The Lalit Narayan Mithila University and Ors
2. The Vice- Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
3. Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
4. The K.S.R. College, Sarai Ranjan, Samastipur through its Principal.
5. The Governing Body, K.S.R. College, Sarai Ranjan, Samastipur through its Secretary.
6. The Principal, K.S.R. College, Sarai Ranjan, Samastipur.
7. The Secretary, K.S.R. College, Sarai Ranjan, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Binodanand Mishra, Sr. Advocate
	:	Mr. Sandeep Kumar, Advocate
	:	Mr. Gunjan Kumar Jha, Advocate
For the Respondents	:	Md. Nadim Seraj, Advocate
For LNMU	:	Mr. Bindhyachal Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 28-11-2025 Heard learned Senior Counsel for the petitioners,

learned counsel for the Respondent-State and learned counsel

for the LNMU.

2. The petitioners in the present writ application have



prayed for the grant of following reliefs:-

“(i) For issuance of an order, direction or writ including writ in the nature of Mandamus commanding the Respondent University to approve the services of the Petitioners in terms with the Bihar State Universities (Amendment) Act 2007.

(ii) For issuance of an appropriate declaration holding that in terms with the Bihar State Universities Amendment Act 2007 the University is under obligation to approve the services of the Petitioners as their names have been duly recommended on the sanctioned and vacant post.

(iii) For issuance of an appropriate declaration holding that refusal of approval by the selection committee is illegal and arbitrary.

(iv) For any other relief(s) to which the petitioner may be found entitled in the facts and circumstances of the present case.”

3. It is submitted by learned Senior Counsel appearing for the petitioners that in the year 1981, Kedar Sant Ramashray Mahavidyalaya was established and the college is affiliated to Lalit Narayan Mithila University, Darbhanga and recognized by the University Grants Commission, New Delhi. It is further submitted that the petitioners were appointed in the college as lecturers on the sanctioned and vacant post on different dates



after 19.04.2007. Petitioner No. 1, namely Mrityunjay Thakur, was appointed on 20.01.2012, joined on 24.01.2012, petitioner no. 2 Mr. Rajeev Kumar was appointed on 20.01.2012, joined on 26.01.2012; petitioner no. 3 Ms. Varsha Kumari was appointed on 20.01.2012, joined on 22.01.2012; petitioner no. 4 Mr. Mukund Kumar was appointed on 20.01.2012, joined on 22.01.2012 and petitioner no. 5 Ms. Shabnam Kumari was appointed on 08.04.2016, joined on 10.04.2016. All these petitioners were appointed to the post of Lecturer in the college pursuant to the Advertisement dated 25.01.2013. On 29.01.2014, the Selection Committee was constituted by the University and upon scrutiny, the petitioners were found eligible and were accordingly, called for interview. After the interview, the Selection Committee recommended the names of the petitioners for appointment and in terms of the said recommendation, the governing body appointed the petitioners to the sanctioned and vacant posts of Lecturer on the dates mentioned above. Thereafter, it is contended that on 06.07.2014, the college forwarded the list of teachers including the petitioners who had been appointed pursuant to the recommendation of the Selection Committee, for approval. On 10.07.2017, recommendations of the Selection Committee were



placed before the Approval Seniority and Pay Fixation Committee. The Committee resolved that appointments made by the concerned governing bodies of the affiliated colleges, on the recommendation of the Selection Committee constituted for them against the sanctioned/available vacant posts, are recommended by approval of the Syndicate. Learned counsel for the petitioners submits that, to the utter dismay of the petitioners, the Syndicate approved the appointments of 76 teachers of the college who were appointed prior to 19.04.2007 by the governing body, but the names of the petitioners were not approved, though their names had been recommended for appointment by the Selection Committee.

4. On 25.09.2017, the Principal of the college informed the Registrar of the University that the names of six persons including the petitioners, have not been approved by the syndicate. Learned counsel for the petitioners submits that the action of the syndicate of not approving the appointments of the petitioners merely because they have been appointed after 19.04.2007 is illegal and, therefore, warrants interference.

5. Per contra, learned counsel appearing for the University submits that the stand of the University is reflected in paragraph-9 of the counter-affidavit filed by them which is



quoted hereinbelow for ready reference:-

“9. That it is stated that the University has complied with the provisions of Section 57(A)(6) of the Bihar State Universities Act, 1976 who were appointed prior to 19.04.2007. Petitioners have been appointed by the G.B. of the College in the year 2012. Petitioners have been appointed after cut-of-date, as such, approval has not been accorded by the University because reservation roaster in appointment has not been followed.”

6. Learned counsel for the University, therefore, submits that since the petitioners were appointed after the cut off date of 19.04.2007, therefore, their appointments have not been approved by the Syndicate.

7. Upon a careful consideration of the submissions advanced by both the parties, the sole question that arises for consideration in the present case is whether Section 57A(6) of the Bihar State Universities Act, 1976 which has been brought under statute by Bihar State Universities (Amendment) Act, 2015 has any applicability to the case of the petitioners, who were admittedly appointed after 19.04.2007. If the provision has



no such applicability, the further issue is whether the respondent-University's reliance on Section 57A(6) to deny the approval of the appointments of the petitioners simply because they were appointed after the cut off date of 19.04.2007 is proper, legal and justified?

8. The aforesaid issue which arises for consideration in this case has been appropriately answered by this Court in the case of ***Santosh Kumar Vs. The State of Bihar and Ors.*** ***vide order dated 17.11.2025 passed in CWJC No. 10594 of 2017.*** It is appropriate to reproduce hereinbelow paragraph nos. 6 to 14 of the judgment as follows:-

“6. On a careful consideration of the submissions made by both the parties, the short question which arises for consideration in this case is:-

i) Whether Section 57A(6) of the Bihar State Universities Act, 1976, which has been brought under Statute by Bihar State Universities (Amendment) Act, 2015 has any applicability to the case of the petitioner? If not, then whether the Respondent-University's reliance on Section 57A(6) for not placing the matter of appointment of the petitioner against the third sanctioned post of Assistant Professor in Physics at Ram Shreshta Singh College, Chochahan,



PO-Anirudha Belsar, District-Muzaffarpur before the Statutory Approval Seniority and Pay Fixation and Committee of the University as well as syndicate of the University for its approval is proper, legal and justified?

7. It is not in dispute that the petitioner has been discharging the duties attached to the third sanctioned post of 'Lecturer' in Physics at the college pursuant to being appointed on the said post after 19.04.2007. This being the admitted position, it belies logic as to how Section 57A(6) of the Bihar State Universities Act, 1976 will have any role to play qua the case of the petitioner.

8. In order to appreciate this aspect of the matter, it is necessary to take note of the legislative need for introducing Section 57A(6) by the Bihar State University (Amendment) Act, 2015. The preamble of the said Amendment Act, 2015 clearly provides that the State Government had taken a policy decision to abolish the Vitta-Rahit Shiksha Niti and to provide grants to the institution including degree colleges vide Resolution No. 1846 dated 21.11.2008 and in the course of



distribution of grants amongst the teachers of the affiliated degree colleges, it had been noted that many of the teachers working in such colleges for long duration were appointed by the governing body of the colleges. However, erstwhile Bihar College Service Commission recommendations in respect of them was not obtained for various reasons and since erstwhile Bihar College Service Commission had ceased to exist, and a new body, namely, Selection Committee at college level had been introduced for making recommendations with regard to the appointment of teachers of the affiliated degree colleges under the Bihar State University Act, 1976 as amended from time to time, therefore, it was not practically possible for the Selection Committee to scrutinize individual cases unless one time relaxation was permitted for such appointees who could not be recommended by the erstwhile Bihar College Service Commission. It was, therefore, considered necessary in public interest to provide for empowerment to the Selection Committee to scrutinize the cases of all those working teachers appointed without the recommendation



of the Bihar College Service Commission and accordingly, it is in this backdrop that sub-section(6) was introduced in Section 57A of the Bihar State University Act, 1976, which reads as follows:-

"(6) The Selection Committee, subject to this Act, will complete the scrutiny of the cases of the teachers of affiliated degree colleges appointed prior to 19.04.2007, without the recommendation of the Bihar College Service Commission on the basis of qualifications in force at the time of appointment of such teachers upto 31.03.2017, otherwise such appointments will not be treated valid. Thereafter the Governing Body of the college will accept the names recommended by the Selection Committee, which shall be finally approved by the concerned University. Distribution of the amount of grant sanctioned by the State Government will be made amongst the teachers in the concerned affiliated degree colleges by its Governing Body



upto 31.03.2017."

9. Section 57A(6), introduced a cut off date of 19.04.2007 for considering the cases of all such appointments made prior to 19.04.2007 who could not be recommended by erstwhile Bihar College Service Commission for various reasons and were continuing on the said post for long duration. It is for considering the cases of those appointees that sub-section(6) was introduced in Section 57A of the University Act, 1976. Manifestly, this class of persons who were appointed prior to 19.04.2007 were completely different to that of the petitioner and similarly situated persons, who were admittedly appointed after 19.04.2007.

10. Subsequently, by Bihar State University (Amendment) Act, 2017, sub-section(6) of Section 6 of Section 57A(6) was further amended, which reads as follows:-

"(6) Subject to this Act, The Selection Committee shall complete the scrutiny of the cases of the teacher's appointed without the recommendation of the Bihar College Service Commission prior to 19.04.2007 in the Affiliated Degree Colleges



on the basis of the qualifications enforced at time of the appointment of such teachers till 31.03.2018. Otherwise such appointments will not be treated valid. Thereafter the Governing Body of the college will accept the names recommended by the Selection Committee, which shall be finally approved by the concerned University. Distribution of grant amount sanctioned by the State Government till 31.03.2018 shall be made amongst the teachers working in the concerned affiliated degree colleges by its Governing Body."

11. By the Amendment Act, 2017 only the date for consideration was extended from 31.03.2017 to 31.03.2018, but substantively sub-section (6) remained the same.

12. In light of the discussion made above, it is clear that the Respondent-University could not have relied upon Section 57A(6) for not considering the case of the petitioner because the petitioner did not fall in the class of persons contemplated by the said Section 57A(6). The petitioner having



been appointed after 19.04.2007 in terms of the provisions contained in Section 57A(1) and the other sub-sections of Section 57A other than Section 57A(6) of the Bihar State University Act, 1976 as amended up to date, it was incumbent on the University to place the matter of petitioner's appointment against the post of 'Assistant Professor' in Physics at the college before the Statutory Seniority Approval and Pay Fixation Committee of the University for grant of approval.

13. Accordingly, for the reasons as states above, this writ application is allowed and the concerned authorities of B.R. Ambedkar Bihar University, Muzaffarpur are directed to take steps towards placing the matter of appointment of the petitioner against the third sanctioned post of 'Assistant Professor' in Physics at Ram Shreshta Singh College, Chochahan, PO-Anirudha Belsar, District-Muzaffarpur before the Statutory Approval Seniority and Pay Fixation Committee of the University as well as the syndicate of the University for its approval, within one month from the date of passing of this order and the respondent



authorities under the University are further directed to consider the matter of appointment of the petitioner in terms of the provisions contained under Section 57A of the Bihar State University Act, 1976 and to approve the same in accordance with law. The Respondent Authorities under the college are also directed to extend all the consequential benefits in favour of the petitioner within three months after approval of his appointment by the Statutory Approval Seniority and Pay Fixation Committee as well as the syndicate of the University.

14. With the aforesaid observation and directions, this writ application is allowed. All pending Interlocutory Applications, if any, will be deemed to have been disposed of.”

9. In light of the aforesaid judgment delivered by this Court and for the reasons stated above, the present writ application is allowed and the respondent-University is accordingly directed to place the matter before the syndicate for approval of the services of the petitioners in terms of the Bihar State Universities Act, 1976 .

10. The entire exercise should be completed by the University as well as the Syndicate within a period of three



months from the date of receipt of a copy of this order passed by this Court.

11. With the aforesaid observation and directions, the present writ application is disposed of. All pending Interlocutory Applications, if any, will be deemed to have been disposed of.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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