

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.254 of 2019

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Awadh Bihari Pandey S/o Late Shiv Dhawaja Pandey, Resident of Village-
Diyani, P.O.- Ramgarh, P.S.- Mohanea, District- Kaimur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Veer Kunwar Singh University through the Vice Chancellor, Ara.
3. The Vice Chancellor, Veer Kunwar Singh University, Ara.
4. The Registrar, Veer Kunwar Singh University, Ara.
5. The Finance Officer, Veer Kunwar Singh University, Ara.
6. The Principal, G.B. College, Ramgarh, Mohania, Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bijay Kumar Pandey, Advocate
For the State	:	Mr. Prabhakar Jha, GP-27
For the University	:	Mr. Rajesh Pd. Chaudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL JUDGMENT
Date : 25-08-2025

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the University.

2. The instant writ application has been filed for the
following reliefs:-

*(i) For directing the respondents to modify the
notification dated 22.09.2018 issued by the
Registrar, Veer Kunwar Singh University,
contained in Memo No.460/Fx/ab/18 so far
petitioner is concerned to the extent of the service
on the post of "Sorter" w.e.f. 05.02.1986 instead of
01.08.2009 in G.B. College, Ramgarh and provide
all consequential benefits of his service w.e.f.*



05.02.1986.

(ii) To direct the respondents to make arrear of salary w.e.f. 31.01.1987 to January, 1990.

(iii) And further for the period of 01.08.2009 to July, 2018, which has not been paid to the petitioner because the matter was pending before the Hon'ble Apex Court and before Hon'ble Mr. Justice S.B. Sinha (Rtd.) Commission, New Delhi. The Hon'ble Commission in I.A. No.221 of 2016 in Claim Petition No.899 of 2013 on 06.07.2016 directed that the University may consider the petitioner's case in the category of Sorter upon which post he has actually been working and adjust him.

3. It is the case of the petitioner that petitioner was appointed vide memo no.321/1985, dated 30.09.1985 as Assistant by the Secretary, Gram Bharti College, Ramgarh (hereinafter referred as 'G.B. College') and pursuant to that he joined in the G.B. College on 01.10.1985. It is submitted that the copy of the appointment letter is appended and marked as Annexure-1 to this writ application. It is further submitted that G.B. College on finding the post of Sorter being vacant, adjusted the petitioner on the said post. It is next submitted that the petitioner started to work as Sorter w.e.f. 05.02.1986, which would be apparent from letter dated 28.03.1988, as contained in



letter no.74A/88, issued by the principal of the said College. It is the case of the petitioner that the State Government after receiving the name of non-teaching staff of the G.B. College on 12.02.1990 vide letter no.25(c), issued by Additional Secretary, Human Resources Department, confirmed the recommendation made by the University in which the name of the petitioner is also mentioned. In order to buttress his claim, the extract of service book and other office orders issued by the State Government, University as well as the College has been appended with this writ application. It is the case that in view of dispute having been raised by the University with regard to his appointment having not been made against a sanctioned post, the matter travelled up to Hon'ble Apex Court and a Commission headed by Hon'ble Mr. Justice S.B. Sinha (Rtd.) was constituted and the said Commission after hearing the case of the petitioner filed I.A. No.221 of 2016 in Claim Petition No.899/2023, the case of the petitioner was considered and the Hon'ble Mr. Justice S.B. Sinha directed the authorities on the suggestions having been given by the counsel appearing on behalf of the University that claimant may be directed to submit a fresh representation and University would be apprised to deal such representation afresh and in the event, if petitioner is found to be



working on the post of Sorter and the vacancy being available, the University may pass appropriate orders. While remanding this matter, the said Commission by recording the suggestion of the learned counsel for the University having been found to be very fair and reasonable, the modification in the said order was allowed and the University was directed to consider the claim of the claimants by passing appropriate orders, adjusting him against the sanctioned post, if he has actually been found working, subject to usual conditions, which the University would be in a position to impose in terms of the policies framed in this background.

4. Learned counsel for the petitioner has submitted that on consideration, the Veer Kunwar Singh University, Ara has come out with a notification which is impugned in the writ application and the date which has been mentioned for the purpose of absorption is 01.08.2009 in place of date which as per the materials available on record as per the petitioner should have been 05.02.1986 but without providing any opportunity of hearing the date 01.08.2009 has been made applicable in the case of the petitioner, whereas the fact is that the Annexure-3 which is issued by the Principal, addressed to the Registrar of the Magadh University, Bodh Gaya, during which the said



College used to be a constituent unit of the said University is ignored. As categorically mentioned in its said letter that there are three posts of Sorter available under said college and this petitioner has been adjusted as against the said sanctioned post w.e.f. 05.02.1986 and on this strength the petitioner submits that his case has not been properly considered and the authorities may be directed to consider it in accordance with law by providing all opportunity of hearing and the documents which has not been disputed by filing counter affidavit must be considered in its true perspective, so that the rights should have flown in favour of the petitioner who has retired on 28.02.2022.

5. On the contrary, learned counsel for the State has stated that this matter at present concerns with the University and University has to take a final call in the matter and the role of the State will only come after the attention of State is invited by the University referring to the specific issues, where they actually required to be addressed by the State.

6. Learned counsel for the University has opposed the prayer and has stated that the Hon'ble S.B. Sinha Commission had not remanded the matter by fixing any date from which the absorption could have been directed in favour of this petitioner. Though, the documents which have been



appended with this writ application has not been disputed as the authenticity of such documents are required to be addressed by the persons who are at the helps of affairs.

7. Under the circumstances of the aforesaid, this Court finds that the documents which have been appended by the learned counsel for the petitioner is undisputed and that needs to be considered by the authorities and apparently such consideration is not forthcoming for the order impugned so that inference can be drawn from such order that these materials were before the University at the time of consideration and same has not been considered.

8. It is in this background this matter is remanded to the University for giving a proper hearing to this petitioner and necessary documents may be called from this petitioner, so that final reasoned order can be passed and if it is found that date which is being shown as a vacant post of Sorter may be applied in favour of the petitioner, in such event, the date of absorption may be shifted, from the one which is mentioned in the impugned order, to any such date, which is legally applicable in law.

9. Accordingly, this application is disposed of for carrying out the exercises as indicated above without any



inordinate delay and in any case such exercise must be completed in any case within a period of three months from today so that all stake holders in this case may be called for question and after inviting appropriate responses from their side, the matter can be adjudicated in accordance with law.

(Ajit Kumar, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.08.2025
Transmission Date	NA

