

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15055 of 2022

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Gautam Trivedi Son of Late Achyuta Nand Trivedi, resident of Village-Harpur Bochaha, P.S.-Vidyapati Nagar, District-Samastipur.

... .. Petitioner/s

Versus

1. Lalit Narayan Mithila University through its Vice Chancellor, at Kameshwar Nagar, Darbhanga, Bihar.
2. The Vice Chancellor, Lalit Narayan Mithila University, Darbhanga, Bihar.
3. The Registrar, Lalit Narayan Mithila University, Darbhanga, Bihar.
4. The Finance Officer, Lalit Narayan Mithila University, Darbhanga, Bihar.
5. The Principal, R.B.S. College, Andour, Mohiuddin Nagar, Darbhanga.
6. The Principal Secretary, Department of Higher Education, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prakash Chandra Jha, Advocate
For the Respondent/s	:	Mr. Madhaw Prasad Yadaw (GP 23)
		Mr. Arvind Kumar, AC to GP-23
For L.N.M.U.	:	Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT
Date : 27-06-2025

Heard learned counsel for the parties.

2. The petitioner, who retired on 31.05.2002 from the post of Reader (Hindi) in L.N. Mithila University, has filed this writ petition against the action of the respondent university in retiring the petitioner by taking the date of appoint as Assistant Professor (Hindi) as 28.04.1976, whereas according the petitioner, he was initially appointed on 01.06.1972.

3. The petitioner accordingly contends that he should



have been retired from service by taking the date of his appointment on the post of Assistant Professor (Hindi) as 01.06.1972.

4. Respondent nos. 1 to 4/L.N.M. University has filed a counter affidavit wherein, in paragraph nos. 6 and 7, it has been stated that the petitioner was appointed on 28.04.1976 on the basis of recommendation made by the University Service Commission, Bihar vide letter no. 224/सी/वि०स०आ० dated 28.04.1976 (Annexure-A to the counter affidavit).

5. Perusal of the appointment letter dated 28.04.1976 would go to show that the petitioner was recommended by the University Service Commission, Bihar after an interview was conducted by the University Service Commission, Bihar for recruitment of the Assistant Professor (Hindi).

6. It has been further stated in the counter affidavit that the college, where the petitioner was working namely, R.B.S. College, Andaur, Samastipur prior to 1976, was granted temporary affiliation for teaching in I.A. and I.Sc. for the session 1972-73 and for the said purpose, the petitioner was appointed on temporary basis.

7. Thus, the respondent in the counter affidavit filed indicates that the petitioner's appointment prior to 28.04.1976,



was on temporary basis. Therefore, the petitioner could not have been retired from service by counting the services rendered by the petitioner prior to 28.04.1976, which is the date of his appointment as Assistant Professor (Hindi) on regular basis upon recommendation of the University Service Commission, Bihar.

8. The petitioner has not filed any rejoinder to the counter affidavit filed by respondent nos. 1 to 4 denying the correctness of the averments made therein.

9. In such circumstances, since the petitioner was appointed as Assistant Professor (Hindi) on regular basis on 28.04.1976 on the recommendation of the University Service Commission, Bihar, which fact has not been denied by the petitioner by filing a rejoinder to the counter affidavit filed by the respondents, I am of the view that the services rendered by the petitioner prior to 28.04.1976 on temporary basis for teaching in I.A. and I.Sc. for the session 1972-73, cannot be reckoned as part of the service tenure rendered by the petitioner for the purpose of computing the pensionary and other retiral benefits of the petitioner.

10. Under the circumstances, no case has been made out by the petitioner for treating his date of appointment in the



service as on 01.06.1972 for the purpose of computation of pensionary and other retiral benefits.

11. Accordingly, the writ petition being devoid of merit, is dismissed.

(Nani Tagia, J)

Amrendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27.06.2025
Transmission Date	N/A

