

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7872 of 2019

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1. Anil Kumar Son of Sri Munshi Prasad Singh Resident T-2, M.U. Bodh Gaya
 2. Vidya Bhushan Singh, Son of Sri Munshi Prasad Singh Resident-2 M.U. Bodh Gaya
 3. Shubham Kumar, Son of Sri Munshi Prasad Singh Resident-T 2 F.A. Office M.U. Bodh Gaya
 4. Bindeshwar Mishtri, Son of Ram Deo Mistry Resident of Village Kaldaspur Chandauti Gaya

... .. Petitioner/s

Versus

1. The Magadh University through its Registrar.
2. The Vice Chancellor, Magadh University Bodh Gaya.
3. The Registrar, Magadh University Bodh Gaya.
4. The Finance Officer, Magadh University Bodh Gaya.
5. The State of Bihar, through Chief Secretary, Education Deptt., Govt. of Bihar, Patna.
6. Director, Higher Education Deptt., Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Virendra Prasad, Advocate
		Mr. Gayanand Roy, Advocate
For Magadh University	:	Mr. Om Prakash Kumar, Advocate
For the Respondent/s	:	Mr. Syed Firoz Raza, Advocate

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

22 30-06-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The instant writ petition has been filed for:-

issuance of writ of certioraris for quashing the Memo No. 124/GIB/18 dated 01.11.2018 i.e., Annexure-7 by which the services of the petitioners have been terminated, ignoring the fact that the petitioners were continuously working for at least 18 years against sanction/vacant post as class IV grade and also for issuance of writ of mandamus



directing the respondent to not only reinstate the petitioners but to regularize the services like 14 persons of daily wage employees who have been appointed much after the petitioners i.e. on 20.06.2009 and not to discriminate and make payment of regularly salary to them.

3. Counsel for the petitioner by referring to Annexure-P/37 which forms part of the rejoinder to the 3rd supplementary counter-affidavit filed on behalf of the Respondent Nos. 1, 2 and 3 submits that stand taken by the University that regularization has been done of only those persons, who have been engaged in service up till 1990 which stand of the University, is in conflict with the documents appended with the rejoinder dated 18.02.2026 and specific averments made in para 10 to 13.

4. Learned counsel for the petitioner submits that in view of the situation having arisen before this Court, where the stand of the University is that the relevant records are not being traceable in the University as such, the Vice-Chancellor of the Magadh University may be directed to personally look into the matter and take appropriate decisions with regard to the regularization of this petitioner and in case the petitioner's claim is found justified, the same shall be considered in the light of the decision taken by the University as referred by the petitioner, which has



been appended with the rejoinder to the 3rd supplementary counter-affidavit and as also considering the dictum of Hon'ble Apex Court rendered in the case of ***Shri Pal and Another Vs. Nagar Nigam, Gaziabad*** reported in ***2025 SCC Online SC 221***.

5. On the other hand, leaned counsel for the University, Mr. Om Prakash submits that appropriate directions may be issued to the Vice-Chancellor for taking appropriate decisions by personally looking into the matter in respect of the petitioner's claim for regularization.

6. Considering the fact that the stand taken by the University appears to be in conflict with the documents which is appended with the rejoinder to the 3rd supplementary counter-affidavit as Annexure-P/37, the Vice-Chancellor is directed to look into the matter and if he finds that the statement is not in consonance with the stand taken by the University and the decision of the University which has been referred by the counsel for the petitioner vide Annexure-P/37, in such event, the issues of regularization of these petitioners shall be examined and necessary orders shall be passed in reference to the judicial pronouncement rendered by the Hon'ble Apex Court in the case of Shri Pal (*supra*) and as also the decision taken by the University.



7. It is expected that the entire exercise shall be carried out within a period of three months from the date of representation filed by the petitioner.

8. Accordingly, the instant writ petition stands disposed of.

(Ajit Kumar, J)

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