

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8084 of 2022

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Satish Chandra Pathak Son of Savita Nand Pathak Resident of Village-
Untamadarpur, Jehanabad, P.S.- Jehanabad, Dist.- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Higher Education, Vikas Bhawan, Patna.
2. The Additional Secretary Higher Education Department, Vikas Bhawan, Patna.
3. The Magadh University through its the Registrar Magadh University, Bodh Gaya.
4. The Registrar Magadh University, Bodh Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bijendra Kumar Singh, Advocate
	:	Mr. Amrendra Kumar Sinha, Advocate
For the State	:	Mr. Shankar Kumar Thakur, AC to GP-27
For the MU	:	Mr. Om Prakash Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL JUDGMENT

Date : 09-04-2026

Heard the learned counsel for the parties.

2. The present writ petition has been filed for directing the respondents to regularise the services of the petitioner on the post of Assistant Professor/Lecturer in the S.S. College, Jehanabad, constituent college of Magadh University, Bodh Gaya in view of the report submitted by three men committee constituted vide Memo No. 15/M 1:29/2006:1342 dated 14.07.2017 with all consequential benefits.



3. The brief facts giving rise to the present writ petition are that the petitioner was appointed against a vacant and sanctioned post of Lecturer in the department of Hindi, S.S. College, Jehanabad on 05.02.1988 by the Principal of the concerned College. Pursuant to the order dated 18.05.2007 passed by the Hon'ble Supreme Court of India in Civil Appeal No. 1601:1602 of 2004, all the ad hoc teachers working in the different universities/colleges were relieved from their respective posts. A committee was constituted by the State Government vide Memo No. 15 M 1:29.2006:1342 dated 14.07.2017 to enquire into the eligibility and other requirements of the ad hoc lecturers, whose services were terminated, in view of the order dated 18.05.2007 passed by the Hon'ble Supreme Court of India. The committee, after verification of the documents/qualification related to the ad hoc lecturers, submitted its report on 26.08.2020, wherein with regard to the petitioner, it has been recorded that he fulfills the requisite qualification, however he retired from service, since his date of birth was 09.05.1953.

4. The learned counsel for the petitioner submits that since the committee, with regard to the petitioner, came to the conclusion that he was eligible, therefore it was incumbent upon the respondent-University to regularise the services of the



petitioner and to pay all the consequential benefits to the petitioner, till he attained the age of superannuation.

5. An interlocutory application bearing I.A. No. 01 of 2025 has also been filed on behalf of the petitioner wherein a prayer has been made for quashing Memo No. 2074 dated 21.06.2023, issued under the signature of the Joint Secretary, Department of Education, Government of Bihar, Patna whereby and whereunder the claim of the petitioner has been rejected.

6. The learned counsel for the petitioner submits that the petitioner deserves to be regularised on the post of Lecturer/Assistant Professor in the college concerned, since he has the requisite qualification and the committee recommended his case for being regularised, even then the respondents have not taken any decision in the matter of the petitioner.

7. Per contra, the learned counsel appearing on behalf of the respondent-State and University submits that in view of the direction contained in order dated 18.05.2007 passed in Civil Appeal No. 1601:1602 of 2004, the Department of Education, Government of Bihar, Patna vide Memo dated 24.12.2001 directed the Registrar, Veer Kunwar Singh University, Ara to terminate the services of the ad hoc teachers of the University, who were appointed prior to 10.02.1989. Further, the committee, which was



constituted pursuant to the order dated 18.05.2007, passed by the Hon'ble Supreme Court of India, recommended the case of only one ad hoc teacher, namely, Sri Hafiz Rukuuddin Ahmad, ad hoc teacher, English, S.M.S.G. College, Sherghati and pursuant thereto, vide Memo No. 2074 dated 21.06.2023 issued under the signature of the Joint Secretary, Department of Education, Government of Bihar, Patna, it has been directed that in the next appointment of Assistant Professor, in the Universities situated in the State of Bihar, the said Sri Hafiz Rukuuddin Ahmad will be permitted to submit his application and a decision has been taken to condone the upper age limit, so far Hafiz Rukuuddin Ahmad is concerned.

8. The learned counsel for the respondent-State submits that there is no provision for regularisation of services of any lecturer in college/university and the appointment of Lecturer/Assistant Professor is made by open advertisement on the recommendation of Bihar Public Service Commission and now the Bihar State University Service Commission. He further submits that the petitioner has already crossed the age of superannuation, prior to submission of the report by the committee, therefore his case is not fit to be considered at this stage.



9. Having heard the rival submissions and after going through the records, it appears that the petitioner was working as an ad hoc teacher in S.S. College, Jehanabad and was terminated from service after passing of the order dated 18.05.2007 by the Hon'ble Supreme Court of India in the case of ***Veer Kunwar Singh University Ad Hoc Teachers Association and Others versus the State of Bihar and Others***. The State Government constituted a three men committee to enquire into the eligibility and other aspects of the teachers, who were working, prior to the termination order and the committee submitted its report in 2020, wherein it has been recorded that the petitioner fulfills the criteria, however he crossed the age of superannuation on completion of 65 years of the age in May, 2018. Since, there is no provision for regularisation of lecturer in the university/colleges in the State of Bihar, and even for consideration of the case of the petitioner, for being appointed as an ad hoc teacher, he has already crossed the age of superannuation, prior to filing of the writ petition and prior to the recommendation which has been made in his favour by the three men committee, no relief can be granted to him.

10. Accordingly, this Court finds no merit in the writ petition and accordingly the same is dismissed.



11. Pending applications, if any, shall also stands disposed of.

(Ritesh Kumar, J)

AjayMishra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.04.2026
Transmission Date	NA

