IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4406 of 2017

CNR No. BRHC010469182017

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Nita Kumari wife of Sri Amrendra Kumar r/o Gyan Marg, Kashi Bazar, P.S. - Bhagwan Bazar, District - Saran Chapra.

... ... Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Human Resources Development Department Higher Education, Government of Bi
3. The Director, Higher Education, Bihar, Patna.
4. The Jai Prakash University through its Registrar.
5. The Vice Chancellor, Jai Prakash University, Chapra.
6. The Registrar, Jai Prakash University, Chapra.
7. The Principal, Rajendra College, Daudpur, Chapra.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Gyan Prakash, Adv.
Ms. Parul Priya, Adv.
For the Respondent/s : Mr. Dhananjay Kumar, GA-17
For the JP University : Mr. Bajarangi Lal, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

20 27-10-2026 Heard the parties concerned.

2. The present writ petition has been filed for the following relief(s):

(i) For commanding the Respondents particularly the Respondent state and its concern authorities to pay the petitioner, his salaries, emoluments and other benefits admissible to of the post Laboratory Incharge (Class III) which the petitioner hold from the date, the same has been declared to be payable to hi in the ordinance issued by the order of the Vice Chancellor of Jai Prakash University on 11-08-2010 (hereinafter referred to as University) regularizing the petitioner in the service of the University.

(ii) For holding that regularized

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on the petitioner having been his respective post after due considering by the senate and other authorities University the of regularization as and recommending them for was petitioner the appointed/working against the post created and sanctioned with approval of the State Government to which the petitioner has/had eligibility, is entitled to pay, emoluments, allowances, etc admissible to the post.

(iii) For holding that the petitioner can not be deprived of his salaries etc. on any ground whatsoever in as much as the post on which he was working and after regularization has been adjusted was/is sanctioned and was created with approval of the State Government, the petitioner has rendered sanctioned and long year of vacant post service he on such was found eligible for regularization by senate and authorities of other the State the University, Government having been promptly informed about regularization of petitioner on the post created with approval of it as such there is no reason to believe and/or apprehend anything against approval of their appointment.

(iv) For holding that once the State Government having admitted the post on which the petitioner has been regularized, had sanctioned, and approval of the State Government and regularization/ posting of the petitioner against such post having been the notice/knowledge to brought Government against regularization, such post itself of the State at the time of the State Government cannot take any stand against payment of salary etc. to the petitioner.

(v) For any other relief (s) for

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which petitioner found entitled to in the facts of the case.

3. Learned counsel for the petitioner, submits that the petitioner was appointed as Laboratory Incharge, which is a Class III post in the Post Graduation Department, of Pshychology in Rajendra College, Chapra on 08.09.1988 by the Principal of the College against sanctioned and vacant post of Class-III within the staffing pattern, and since then the petitioner is said to be working. It has next been submitted that in the year 1992, due to the creation of a new University, namely the Jai Prakash University, the said college became its constituent college. The State Government, thereafter, decided to regularize the services of the daily wagers working before 01.08.1985, which was later modified as 11.12.1990, in the year 2006, while the petitioner had been working since 08.09.1988, and as such, she was required to have been considered for regularization.

4. At this stage, learned counsel for the petitioner by referring to the order passed by the Co-ordinate Bench of this Court in the case of Ashok Kumar Singh & Ors. vs. State of Bihar & Ors (CWJC No. 20473 of 2016), heard along with other analogous cases, in which, upon hearing the learned counsel for the State and the learned counsel appearing on behalf of the University, the aforesaid writ petitions were directed to be

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decided in terms of the order dated 30.07.2019 passed by the Division Bench in LPA No. 619 of 2018, which was again taken to challenge by the authorities of the State and as also the University, by filing a Special Leave Petition, before the Hon'ble Apex Court and the said SLP being SLP No. 29162 of 2019, was disposed of with the following order:

> *"1. In the facts and circumstances of the present case, we are not inclined to entertain the Special Leave Petition against the impugned judgment and order of the Division Bench of the High Court of Judicature at Patna dated 30 July 2019 in Letters Patent Appeal No 619 of 2018 in Civil Writ Jurisdiction Case No 16359 of 2016, save and except for what is directed in para 2 below.*
>
> *2. However, we direct that the benefits which are payable to the third respondents shall be confined to the period commencing from three years prior to the date of the institution of the writ petition in the High Court, namely, Civil Writ Jurisdiction Case No 16359 of 2016. The third respondent will be granted such further benefits as are admissible in accordance with law. The payments shall be made on or before 31 December 2022.*
>
> *3. The Special Leave Petition is disposed of in the above terms.*
>
> *4. Pending application, if any, stands disposed of."*

5. It is in the aforementioned background, the Co-ordinate Bench of this Court has decided the claims of all such

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persons who are similarly placed to that of the present petitioner by passing the following orders, which are reproduced below:

> *" Heard learned counsel for the petitioners and the counsel appearing on behalf of the State as well as learned counsel appearing on behalf of the University.*
>
> *Learned counsel appearing on behalf of the petitioners would submit that the issue raised in the present writ application has been recently decided by the Division Bench of this Court in*
> *LPA No. 619 of 2018 vide oral judgment dated 30.8.2019.*
>
> *In view of the decision by the LPA Court in LPA No. 619 of 2018 the present application is allowed.*
>
> *The Division Bench has taken note of the fact that the respondents in LPA were appointed approximately 35 years back and after noticing the judgment of the Apex Court in Secretary, State of Karnataka & Ors. v. Umadevi (3) & Ors. (2006) 4 SCC 1 Full bench of the Patna High Court in Ramsevak Yadav and other judgments on the point of regularization matter dismissed the Letters Patent Appeal preferred by the J.P. University*
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> *Considering the aforesaid judgment of the Division Bench, the Court is of the considered view that the action of the respondent J.P. University in dispensing with the service of the petitioners contained in Annexure-22 is unsustainable. It is accordingly quashed with all consequential benefits."*

6. Learned counsel for the petitioner, by referring to the challenge made by the University officials by filing LPA No.

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1351 of 2019, submits that the appeal preferred by the University officials was disposed of, as the judgment relied upon by the Co-ordinate Bench referred to the adjudication made by the Division Bench in LPA No. 619 of 2018, which was affirmed by the Hon'ble Apex Court. The Letters Patent Appeal preferred against the order passed by the Co-ordinate Bench in CWJC No. 20473 of 2016 was disposed of by the Division Bench on 23.01.2023, which is reproduced as under:

> *" Heard learned counsels for the respective parties.*
>
> *Learned counsel for the appellants submitted that office objection has not been removed.*
>
> *In the normal course, the L.P.A would have been dismissed in the light of earlier order dated 22.12.2022. At this stage, learned counsel for the respondents, on instruction, submitted that identical matter was subject matter of S.L.P. No.(s) 29162 of 2019 and it was decided against the appellants. In this backdrop, both the learned counsels for the respective parties submitted that the present L.P.A. could be decided in terms of S.L.P. No.(s) 29162 of 2019.*
>
> *Accordingly, present L.P.As are disposed of in terms of S.L.P. No.(s) 29162 of 2019.*
>
> *Pending I.A. , if any, stands disposed of."*

7. Learned counsel for the petitioner, by referring to all such adjudications and the issues having been settled at the

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level of the Hon’ble Division Bench, as well as the challenge made before the Hon’ble Apex Court, submits that the case of the petitioner is squarely covered by the judgment rendered by the Co-ordinate Bench, which has been affirmed by the Hon’ble Division Bench by referring to the order passed by the Hon’ble Apex Court in SLP No. 29162 of 2019. Accordingly, learned counsel for the petitioner has prayed that the authorities of Jai Prakash University may be directed to adjudicate the claim of the petitioner in similar terms, so that the fruits of all such services rendered by the petitioner over last 35 years may be made available to her, after the employer-employee relationship is severed on account of her retirement.

8. On the other hand, Mr. Bajarangi Lal, Adv., learned counsel appearing on behalf of Jai Prakash University, as well as learned counsel for the State, submits that the issues with regard to regularization and consequential benefits have already been put to rest by the Hon’ble Apex Court in SLP No. 29162 of 2019, whereby LPA No. 619 of 2018 was challenged by Jai Prakash University, and since, the claim of the present petitioner is similar to that of the petitioners in CWJC No. 16359 of 2016, appropriate directions may be issued in the case of the present petitioner.

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9. Considering the fact that the issues have already been put at rest, the authorities of Jai Prakash University, Chapra, are directed to adjudicate the claim of this petitioner in similar terms as has been carried out by them in the case of Ashok Kumar Singh & Ors. vs. State of Bihar & Ors. (CWJC No. 20473 of 2016).

10. In order to facilitate the authorities of the University in adjudicating the claim of the petitioner in similar terms, the order contained in Memo No. 1415 dated 02.01.2019 is quashed.

11. Accordingly, the authorities of the Jai Prakash University, Chapra, are directed to take a final decision within a period of six weeks from the date of representation, and upon adjudication, all such benefits to which the petitioner is entitled in similar terms shall be provided to her in accordance with law.

12. Accordingly, the present writ petition stands disposed of.

(Ajit Kumar, J)

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