

(2004) 08 PAT CK 0010
In the Patna High Court
Case No : C.W.J.C. No. 9215 of 1999

Binod Kumar Jha and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 26-08-2004

Acts Referred:

Citation : (2004) 4 PLJR 270

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Durga Nand Jha, for the Appellant;

Judgement

Narayan Roy, J.—Heard counsel for the parties. The petitioners by this application have prayed for issuance of direction upon the respondents commanding upon them to regularise their services on the posts of Laboratory Incharge in the Departments of Botany, Zoology, Chemistry and Geography, respectively, in Harshpati Singh College, Madhepur, in the District of Madhubani, a constituent unit of L.N. Mithila University, from the date of their appointment and also to pay them the arrears of salary admissible in law.

2. It is submitted by learned counsel for the petitioners and also by learned counsel for the University and the State that the question raised in this writ application has been set at rest by this Court in L.P.A. No. 835 of 1997 in the case of Awadhesh Pd. Yadav and others vs. State of Bihar and others (2004(2) Patna Law Journal Reports, 689) and the facts of this case and that of Awadhesh Pd. Yadav (supra) appears to be identical, as the grievances were common for their regularisation and payment of arrears of salary for the posts of Laboratory Incharge.

3. It appears that the petitioners visa-vis the appellants of the Letters Patent Appeal aforesaid were appointed in the Colleges of the University on the posts of Laboratory Incharge in anticipation of sanction of the posts. They worked for several years, but still then the State Government sat over the matter and the

posts were not sanctioned. This Court in case of Awadhesh Pd. Yadav and Ors. (supra) held that though the University had requested the State Government to sanction number of posts of Laboratory Assistant, it was case of inaction on the part of the State Government, but, for that, the persons working on the posts of Laboratory Incharge should not suffer. This Court, accordingly, held that the appellants would be entitled to their legitimate arrears from the date of their appointment on which the sanction had been sought for.

4. The case at hand, thus, appears to be identical-to that of Awadhesh Pd. Yadav and Ors. (supra), as referred to above.

5. This application is, accordingly, disposed of in terms of the order of this Court passed in the case of Awadhesh Pd. Yadav and Ors. (supra) and the petitioners are held to be entitled for the legitimate arrears from the date of their appointment on the respective posts. The State authorities, accordingly, are directed to sanction sufficient fund to the respondent University for payment of arrears of salary to the petitioners. This exercise, however, must be completed by the State authorities within a period of three months from the date of receipt/production of a copy of this order.