
(2010) 05 PAT CK 0023
In the Patna High Court

Dinanath Prasad and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 06-05-2010

Acts Referred:

Citation : (2010) 05 PAT CK 0023

Hon'ble Judges : Navin Sinha, J;Dinesh Kumar Singh, J

Bench : Division Bench

Judgement

Navin Sinha and Dinesh Kumar Singh, JJ.—Heard learned Counsel for the appellant, for the respondent University as also for the State.

2. Subsequent developments in the University during the pendency of the appeal have been brought on record today by way of a supplementary affidavit filed on behalf of the appellants after serving copies on the respondents.

3. In view of the subsequent developments referred to above, we do not consider it necessary to take notice of the facts of the case except to the extent necessary.

4. Suffice it to say that the appellants were appointed on Class-III and IV non-teaching posts in the Shivdeni Ram Ayodhya Prasad College (hereinafter referred to as "S.R.A.P. College" for short) at Barachakia in the district of East Champaran by the erstwhile Governing Body of the college on 7.7.1980. The notification of the University declaring the S.R.A.P. College a constituent college was issued on 19.7.1980, the conversion took effect from 1.10.1980. The appellants came to be terminated on 20.5.1996, questioned by them in C.W.J.C. No. 12551/96. It was disposed in terms of a judgement of this Court reported in Braj Kishore Singh and Others Vs. State of Bihar and Others, and the matter remitted to the respondent University for an appropriate decision in terms of the judgement when the termination orders were set aside. On 28.6.1996 the Syndicate restored the services of the appellants pending approval of posts from the State Government. In this background, they came to this Court in C.W.J.C. No. 8377/01 with a claim to be absorbed in the service of the University. The writ

petition came to be dismissed. Learned Counsel for the parties are not at issue that the question of their appointment by the erstwhile Governing Body vis-a-vis the staffing pattern has been left open in the judgement under appeal.

5. During the pendency of the appeal the cases of the petitioners for absorption are stated to have been referred to a three-man committee of the University and which is stated to have made certain recommendations in favour of the appellants when the Syndicate has left the final decision to the Vice Chancellor. These facts are gathered from the supplementary affidavit filed today.

6. We, therefore, consider it proper, and to which the learned Counsel for the parties have no objection, that the appeal itself be disposed off with directions to the Vice Chancellor to take an appropriate decision in the matter in accordance with the resolution of the Syndicate dated 9.2.2008 within a maximum period of four months from the date of receipt/presentation of a copy of this order before the Vice Chancellor. We order accordingly.

7. The appeal stands disposed.