
(2021) 02 JH CK 0032
In the Jharkhand High Court
Case No : Writ Petition (S) No. 355 Of 2020

Dr. Sant Kishore Prasad And Ors

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 02-02-2021

Acts Referred:

Citation : (2021) 02 JH CK 0032

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Amresh Kumar Singh, Sanjay Kumar Pandey

Final Decision : Disposed Of

Judgement

1. Heard Mr. Amresh Kumar Singh assisted by Mr. Sanjay Kumar Pandey, learned counsel for the petitioners, Mr. Ashok Kumar Singh, learned

counsel for the respondent-State and Dr. Ashok Kumar Singh, learned counsel for the respondent-Nilambar Pitambar University.

2. This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising

due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been

heard on merit.

3. The petitioners have preferred this writ petition for direction to count the date of absorption of the petitioners from the date of eligibility as given in

Justice (Retired) Agrawal Commission Report with all consequential benefit like time bound promotion, fixation of salary, payment of arrear,

differences of salary. The further prayer is made for quashing the order dated 14.12.2018, issued under the signature of respondent no.3.

4. The petitioners were appointed in S.S.J.S.N. College, Garhwa, an affiliated college under the Ranchi University as Lecturers in different

department. The college along with other 4 th phase college were taken by the State of Bihar in the year 1986-87. The issue of regularization of 4 th

phase colleges of the State of Bihar came up before the Hon'ble Patna High Court and a decision for regularization was passed in a case reported in

1997 (1) PLJR 534. The State of Bihar has preferred an appeal before the Hon'ble Supreme Court bearing S.L.P. No. 6098 of 1997 and the Hon'ble

Supreme Court constituted Justice Agrawal Commission. Justice Agrawal Commission submitted report for all 40 colleges of bifurcated State of Bihar

and Jharkhand and interpreted the date of eligibility for all the employees for service purpose including regularization. The State of Jharkhand and

Universities of Jharkhand were also heard thereafter the Hon'ble Supreme Court in 2005 (9) SCC 129 affirmed the report of Justice Agrawal

Commission. Thereafter, the State started with modifying the date of eligibility as given in Justice Agrawal Commission for the purpose of

consequential benefits.

5. Mr. Amresh Kumar Singh, learned counsel for the petitioners submits that one identical matter has been decided by the Hon'ble Patna High Court

in C.W.J.C. No. 21232 of 2014, which was tested before the Division Bench of the Hon'ble Patna High Court in L.P.A. No. 218 of 2016 and the

order of the Hon'ble Single Judge was affirmed and the L.P.A. was dismissed vide order dated 25.07.2016. He further submits that the petitioners

were of 4 th phase constituted colleges of different Universities of Bihar. He also submits that the date of eligibility given in Justice Agrawal

Commission report will be the effective date of absorption and for all consequential benefit like time bound promotion, pay fixation etc. He further

submits that the petitioners have already filed representation on 22.10.2019, contained in Annexure-6 of the writ petition.

6. Dr. Ashok Kumar Singh, learned counsel for the respondent-Nilambar Pitambar University submits that there is no decision on the representation of

the petitioners, contained in Annexure-6. He further submits that the petitioners may be directed to file fresh representation before the respondent-

Nilambar Pitambar University, who will decide the same in accordance with rules, regulations and guidelines.

7. Learned counsel for the respondent-State is also agreed to that effect.

8. In view of the above facts and considering the averments made in the writ petition and also considering the submission of the learned counsel for

the parties, the petitioners are directed to file fresh representation before the respondent-Nilambar Pitambar University along with all the credentials

including the judgments on which the petitioners are relying for such relief, within a period of three weeks from today. If such representation is filed

within the aforesaid period, the respondent-Nilambar Pitambar University will take a decision in accordance with rules, regulations and guidelines,

considering the report of the Justice Agrawal Commission report as well as the judgments, as noted supra, within a period of eight weeks thereafter.

9. It is needless to say that if the decision is taken in favour of the petitioners, the benefit of the same shall be extended to the petitioners within further

period of twelve weeks thereafter.

10. With the above observations and directions, this writ petition stands disposed of.