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**(2006) 12 PAT CK 0036**  
**In the Patna High Court**  
**Case No : CWJC No. 6055 of 2006**

Hardowar Singh

APPELLANT

Vs

Jai Prakash University and Others

RESPONDENT

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**Date of Decision :** 19-12-2006

**Acts Referred:**

**Citation :** (2007) 1 PLJR 673

**Hon'ble Judges :** Ajay Kr. Tripathi, J

**Bench :** Single Bench

**Final Decision :** Dismissed

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## Judgement

Ajay Kr. Tripathi, J.—Heard learned counsel for the parties. This is the fourth attempt by the petitioner before the High Court to seek a kind of legitimacy to his appointment supposedly made by the management/governing body of Prithivi Chand Vigyan Mahavid-yalaya, Chapra on the post of Store-keeper in the year 1978 and has not been recognised and regularised till date by the University authorities.

2. As per the claim of the petitioner in this writ application he was appointed on the post of Store-keeper on 22.12.1978 in the P.C. Vigyan Mahavidyalaya, Chapra, which was an affiliated College under the Bihar University (now named as Baba Saheb Bhim Rao Ambedkar Bihar University). The College in question became a constituent unit of the said University and was later transferred to Jai Prakash University. The petitioner states in the writ application that his appointment was made by following proper procedure by the governing body on the post of Store-keeper. He has brought on record various documents\* to establish his claim in this regard. The petitioner also states that he was getting his salary since the date of his appointment in the year 1978 but the same came to be stopped from August, 1980, as the financial condition of the college was not said to be in good health. It is admitted position that the petitioner has not been paid any salary whatsoever since August, 1980, meaning thereby that almost 26 years have gone past without any payment of salary. This fact has a

reflection on the bona fide of the claim of the petitioner for regularisation and pay-ment of salary in the present writ application.

3. The petitioner states that he was trying to follow up his case with the competent authorities for regularisation and payment of salary since 1980 but since nothing emerged from the same, a group of employees including himself moved the High Court in C.W.J.C. No. 1690 of 1994. The High Court disposed-off the application with a direction that the case of the petitioners shall be governed by a decision rendered in Sukhsagar Prasad & Ors. vs. The State of Bihar i.e. C.W.J.C. No. 10378 of 1993.

4. It is not clarified or stated in the petition as to how another writ application, namely, C.W.J.C. No. 9916 of 1994 again came to be filed for similar relief but vide order dated 27.7.1995 the petitioners were granted liberty to withdraw the writ application without any relief direction, or liberty (Annexure-13 to the writ application).

5. After passing of the order dated 19.4.1994 in C.W.J.C. No. 1690 of 1994, the matter was examined by the Secretary, Higher Education, Government of Bihar. The Secretary issued an order dated 23.7.1994, which is contained in Annexure-18 to the writ application. The Secretary in his order after examining the claim of the employees negated it on the ground stated in the order. This order was duly communicated to all but the petitioner now claims in the present writ application, which has been filed on 8.5.2006, that he had no knowledge or information about the same. In fact one of the reliefs which he seeks now is quashing of this order contained in Annexure-18 passed on 23.7.1994. This court will further revert to this part of the fact a little later in the order.

6. The petitioner decided to file yet another writ application for regularisation of his service, which is C.W.J.C. No. 12791 of 1999. The above writ application came to be disposed-off on 10.2.2005. The order is Annexure-16 to the writ application. It does not emerge from the order of the Court whether the petitioner had brought to the knowledge of this Court the fact that he alongwith other employees had moved the Court earlier twice over. The High Court in its order, in any view of the matter, was not convinced about the merits of the claim of the petitioner. It however directed the respondent Jai Prakash University to take a decision with regard to the claim of the petitioner within a period of three months.

7. The case of the petitioner in terms of the direction dated 10.2.2005 came to be considered by the Vice-Chancellor of Jai Prakash University, Chapra. The Vice-Chancellor examined the claim of the petitioner in detail and vide a speaking order dated 18.6.2005 rejected the claim of the petitioner as untenable. The Court does not feel the necessity of reproducing the reasons stated in the order i.e. Annexure-17 as it is self speaking.

8. The petitioner has filed the present writ application again for regularisation, payment of salary stopped since 1980, quashing of the order passed by the Vice-

Chancellor contained in Annexure-17 as well as the order dated 23.7.1994 passed by the Secretary, Higher Education, Government of Bihar, which is Annexure-18.

9. As already indicated in the opening paragraph this is the fourth attempt by the petitioner for the same said relief and not only that the petitioner is trying to get the order dated 23.7.1994 contained in Annexure-18 set aside after more than 12 years. His plea is that he had no communication or knowledge of this order and is, therefore, challenging the same now. This is prima facie seems to be unbelievable as the order was communicated to all. The plea has been taken with the object that this Court may not take a dim view of the issue that when this order was not challenged for the last 12 years and accepted as final, would it be open to the petitioner to seek its quashing at this belated stage and can this stumbling block be removed by this Court to facilitate filing of a fresh writ application challenging Annexure-17, the order of the Vice-Chancellor as well.

10. This Court after having gone through the matrix of the facts, which have been pleaded and stated on record, comes to a conclusion that the reliefs, which have been sought by the petitioner for regularisation, payment of salary as well as quashing of Annexures-17 and 18 is totally misplaced as he has not been able to satisfy this Court on earlier occasions or the competent authorities i.e. the Secretary, Higher Education or the Vice-Chancellor, Jai Prakash University with regard to the bona fide of his claim.

11. The Court also finds it strange that the petitioner who claims was a regularly appointed employee would continue to work on the post of Store-keeper for 26 years without receiving a penny from the so-called employer all these years.

12. In the given facts as also the legal position that the petitioner cannot be permitted to reagitate his claim again and again before this Court for the same issues, this Court is of the opinion that no relief whatsoever can be granted to him. This writ application is accordingly dismissed, however, in the given facts of the case this Court is not awarding any costs against the petitioner.