
(2008) 08 PAT CK 0174
In the Patna High Court
Case No : CWJC No"s. 8651 of 2008

Md. Nasir Ahmad

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 29-08-2008

Acts Referred:

Citation : (2009) 2 PLJR 536

Hon'ble Judges : Navin Sinha, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Navin Sinha, J.—Heard learned counsel for the petitioners, for the State as also for Respondent-B.R. Ambedkar Bihar University. The Syndicate of the University by its resolution after considering the order of the Supreme Court in Civil Appeal No. 6098 of 1996 passed resolution for regularisation/absorption of the petitioners. The petitioners, thus, acquired the status of permanency as distinct from their earlier precarious position. The Vice-Chancellor has now sought to annul this benefit given to the petitioners, visiting them with civil consequences.

2. It is urged that before the impugned order dated 22.5.2008 came to be passed again referring to the very same order of the Supreme Court in Civil Appeal No. 6098 of 1996, no notice had been issued to the petitioners and they were given no opportunity to present their case. Additionally, the Vice-Chancellor was not competent to singularly annul the decision of the Syndicate.

3. Learned counsel for the University from the counter affidavit found it difficult to satisfy this Court with regard to the compliance of the principles of natural justice.

4. The writ application has to be allowed on that ground alone. The Court does not consider it proper to make any further observations lest it will prejudice the case of either party at a later stage, in view of the limited ground on which the present application has been allowed. The order dated 22.5.2008 stands

quashed. In CWJC No. 268 of 2006, I.A. No. 4062 of 2008 has been filed bringing on record the order of termination after such absorption. In view of the nature of the order passed and the reasons for which the order has been quashed, this Court does not consider it proper to make any observation with regard to the plea made on behalf of the petitioner in this writ application on the issue of his seniority at this stage.