

(1994) 02 PAT CK 0026
In the Patna High Court
Case No : C.W.J.C. No. 2628 of 1985

Nawin Kumar Mishra and Others

APPELLANT

Vs

The L.N. Mithila University and Others

RESPONDENT

Date of Decision : 04-02-1994

Acts Referred:

Citation : (1994) 02 PAT CK 0026

Hon'ble Judges : R.M. Prasad, J

Bench : Single Bench

Advocate : Ram Chandra Jha, Santosh Kumar Jha, Sharda Nand Mishra, Sasank Kumar Jha, Ramesh Kumar Jha and Shambhu Saran Jha, for the Appellant; Sheema Ali Khan, Syed Firoz Ahmad and Azfar Hassan, for L.N.M. University, for the Respondent

Judgement

Radha Mohan Prasad, J.—In this application the Petitioners, who are 57 in number, pray for quashing of the notification issued by the Registrar of the Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga (hereinafter referred to as "the University") as contained in Annexure 4, whereby their services have been terminated with effect from the date of notification, i.e., 7.5.1985.

2. Mr. Jha, learned Counsel appearing for the Petitioners brings to my notice that the Supreme Court in a similar situation has passed an order in Writ Petition No. 409 of 1991 disposed of on 25th September, 1991.

He has produced the photo copy of the order passed by the Supreme Court. He submitted that in the present case also the services of the Petitioners were terminated by one stroke of pen even without giving them a show cause notice. Mr. Jha submitted that most of the Petitioners were appointed in a regular manner after due advertisement and selection, still their services have been terminated without giving any reason. He further submitted that even though the impugned notification purports to be based on the order of the Syndicate but in fact, no such decision was ever taken by the Syndicate. He also submitted that on the contrary there was an agreement between the Employees' Association

and the Vice-Chancellor on 11.2.1985 in which it was agreed upon, inter alia, that the employees working as on that date shall be allowed to continue and the Petitioners were appointed much before the said agreement was entered into between the Employees' Association and the Vice-Chancellor. Learned Counsel also stated that even out of these 57 employees about 15 to 20 of them have already been taken back in the service of the University.

3. Mr. Azfar Hassan, who generally appears for Lalit Narayan Mithila University, has appeared in this case also for the University. He submitted that the matter is very old and on the basis of the materials on the record it is difficult to ascertain as to whether the Petitioners' appointment was regularly and validly made or not and that the order of termination was passed on the basis of the decision of the Syndicate, as mentioned in the impugned order.

4. Both the learned Counsels have, however, very fairly suggested that the matter can be disposed of at this stage with a direction to the University to reconsider the grievances of the Petitioners in the light of agreement (Annexure 2) as also the direction of the Supreme Court, referred to above, given in a similar case, as claimed by Mr. Jha.

5. After having heard learned Counsel for the parties and having considered the fact that on the basis of the materials on the record it is not possible to come to a definite finding as to whether the appointment of the Petitioner was regular and validly made or not, I consider it expedient to dispose of this writ application with a direction that those Petitioners, who have not as yet been taken back in the employment or the University, may approach the Vice-Chancellor by filing representation within a period of one month from today and if such a representation is made, the Vice-Chancellor shall consider the same in the light of the agreement as well as in the light of the order passed by the Supreme Court which, according to Mr. Jha, was passed in a similar situation. The Vice-Chancellor, after considering their representation, shall dispose of the same within three months thereafter by a reasoned order.

6. The writ application, is accordingly, disposed of.