
(2000) 04 PAT CK 0040
In the Patna High Court
Case No : C.W.J.C. No. 1943 of 1999

Pawan Kumar Mishra

APPELLANT

Vs

The Governing Body Upshastri and Others

RESPONDENT

Date of Decision : 18-04-2000

Acts Referred:

Citation : (2001) 1 PLJR 640

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Dharmeshwar Mishra, for the Appellant; Yugal Kishore, for Bihar College Service Commission and P.N. Jha, for Sanskrit University, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—This application has been preferred by the Petitioner for direction on the Respondents i.e. Governing Body, Upshastri Sanskrit Mahavidyalaya, Pindaruch, Darbhanga and on its Secretary to act on the recommendation made by the Bihar College Service Commission, vide their letter dated 29th May, 1998 (Annexure-10) for appointment to the post of Lecturer (Jyotish).

2. According to the Petitioner, he is already working on temporary basis as Lecturer (Jyotish) since 19th August, 1980 (Appointment letter-Annexure-2). His service was approved by the University with the concurrence of Commission and was paid salary. The order of approval etc. shown therein.

3. It appears that in pursuance of Advertisement No. 991/94 made by the Bihar College Service Commission, Patna on the requisition of the College, the Petitioner applied for the post of Lecturer (Jyotish), on regular substantive basis. He appeared in the interview and was recommended as the first candidate for appointment against the said post.

4. In spite of such recommendation, no order of regular appointment having issued, the present writ petition was preferred so that the recommendation may

not lapse in the meantime.

5. Notices were issued to the Governing Body and its Secretary by Registered post. They were also served.

6. In spite of the same, the Governing Body does not choose to appear and/or to oppose the writ petition.

7. In the facts and circumstances, I direct the Governing Body of the College to act on the recommendation of the Bihar College Service Commission dated 29th May, 1998 and issue formal order of regular appointment in favour of Petitioner, within a month from the date of receipt/production of a copy of this order.

8. If for one or other reason, they do not want to act on the first recommendation in favour of the Petitioner, will give reason and communicate the same to the Petitioner within the aforesaid period of one month.

9. If no formal order is passed by the Governing Body of the College within one month from the date of receipt/production of a copy of this order, then it will be deemed that the service of the Petitioner has been regularised from the date of production of a copy of this order.

10. In such case, it will be also open to the University to de-recognise the College for non-compliance of the statutory rules and Court's order and will be also open to the Petitioner to move before this Court for drawing proceeding for contempt against the concerned party (s).

11. The writ petition stands disposed of with the aforesaid observations/directions.