
(2000) 06 PAT CK 0054
In the Patna High Court
Case No : C.W.J.C. No. 4233 of 1999

Prem Kumar Jha	Vs	APPELLANT
The Chancellor of University and Others		RESPONDENT

Date of Decision : 29-06-2000

Acts Referred:

Citation : (2000) 3 PLJR 397

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

Bench : Single Bench

Judgement

S.J. Mukhopadhaya, J.—Heard the counsel for the parties and the case is being disposed of at this stage.

2. The Petitioner claims to be a non-teaching employee of Deo Chand College, Hajipur, a constituent College under the B.R.A. Bihar University, Muzaffarpur.

3. According to him, he was appointed as an Assistant in the Collage in pursuance of advertisement and selection made by the Governing Body, vide letter No. 1 dated 10th December, 1980. The interview letter forwarded on 27th November, 1980 and held on 2nd December, 1980. On receipt of order of appointment dated 10th December, 1980, the Petitioner joined and since then continuing in the services of the College.

4. The grievance of the Petitioner is that the authorities have not yet completed the process of absorption of non-teaching employees in accordance with the guidelines/scheme framed by the State, nor considered the case of the Petitioner for such absorption/ regularisation.

5. A counter affidavit has been filed on behalf of the University and its authorities. The counsel submits that a report relating to non-teaching employees have already been submitted and forwarded to the Secretary, Higher Education, Govt. of Bihar, vide letter dated 7th July, 1999. The Petitioner having not shown as a non-teaching employee in the said report, his case has not been

forwarded.

6. In the facts and circumstances, as it is to be determined as to whether the Petitioner is functioning in the College, in question, or not, I remit the matter to the University.

7. The Petitioner will appear along with a copy of this order before the Registrar, B.R.A. Bihar University and file a representation showing details relating to his appointment and will enclose relevant evidence(s) in his support. The Registrar of the University in his turn will make necessary enquiry himself or through any officer from the College concerned and will find out as to whether the Petitioner on his appointment is still on the roll of the College or not.

8. If on such enquiry, it is found that the Petitioner was appointed in 1980 and is still in the roll of the College, his name be forwarded to the Secretary, Higher Education for approval for the purpose of regularisation of his service/absorption in terms with Resolution of the State dtd. 10th May" 91.

9. A decision, on such enquiry, be taken and communicated to Petitioner within a period of three months. If the name of the Petitioner is forwarded to the Secretary, Higher Education, the said authority will determine the question of approval for regularisation of service of Petitioner/absorption within three months from the date of receipt of such recommendation.

10. It is needless to say that if the Petitioner is found to be working in the College and his service is regularised, the Petitioner will be entitled for salary for the period actually worked.

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