

(2006) 08 PAT CK 0081
In the Patna High Court
Case No : CWJC No. 12235 of 2005

Suresh Yadav and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 29-08-2006

Acts Referred:

Citation : (2006) 4 PLJR 77

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Anil Singh, Rajendra Prasad Singh, for the Appellant; Sarvesh Chandra Verma, for the Respondent

Judgement

Narayan Roy, J.—Heard counsel for the parties on the main writ application as well as on I.A. No. 3310 of 2006. I.A. No. 3310 of 2006 is allowed and it will form part of the main writ application.

2. The petitioners who are working on daily wages in K.D.S. College, Gogri in the district of Khagaria, have prayed for issuance of a direction upon the respondents to regularise their services and pay them the consequential benefits.

3. It is submitted that the petitioners initially were engaged on daily wages. When the College became constituent, their cases were again considered on staffing pattern and they continued on Class 111 and Class IV posts but till date their cases have not been considered for regularisation against vacant sanctioned posts though the posts are still available. It is further submitted that recently the Chancellor of the Universities vide order dated 3.12.2005 particularly directed Tilka Manjhi Bhagalpur University under whom the petitioners are working, to consider the case of all casual employees for their regularisation in accordance with law and subject to availability of posts but even then the cases of the petitioners have not been considered by the university.

4. Counsel for the Tilka Manjhi Bhagalpur University, on the contrary, submitted that earlier the petitioners were recommended for their regularisation against the

sanctioned posts on the basis of staffing pattern but ultimately the State Government rejected their claims. In other words, it is stated that the recommendation of the university was not approved by the State Government in exercise of its power u/s 35 of the Universities Act.

5. Rejection of the claim of the petitioners by the State Government, however, in no way will be a estoppel for the university to consider their cases afresh in the light of order passed by the Chancellor dated 3.12.2005.

6. It is submitted at the bar that the Chancellor had categorically directed the University authorities to consider all such persons who were working on Class III and Class IV posts for their regularisation in accordance with law and the State Government -was directed to release sufficient funds to facilitate such regularisation. University authorities, in this view of the matter, should consider the cases of the petitioners afresh in the light of the order/ observation of the Chancellor dated 3.12.2005.

7. Counsel for the University now submits that 365 persons were already considered for regularisation and necessary sanction have already been accorded by the State Government. Be that as it may, the question of regularisation appears to be a recurring process subject to availability of posts. It is not the case of the University that in future no post will be available for regularisation of the petitioners and like persons.

8. Under the circumstances, the University authorities are directed to consider the cases of the petitioners and in case they are found to be working against sanctioned posts, necessary recommendation must be made to the appropriate Government in the light of direction of the Chancellor for necessary approval u/s 35 of the Universities Act. This exercise however, must be completed by the University authorities within a period of three months from the date of receipt/ production of a copy of this order. With the aforesaid observation/ direction, this application is disposed of.