

Bindeshwari Ram Vs. the State of Bihar and ors

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Court : Patna

Decided On : May-11-2012

Appellant : Bindeshwari Ram

Respondent : The State of Bihar and ors

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Civil Writ Jurisdiction Case No.514 o

1. Bindeshwari Ram S/O Late Rup Lal Ram R/O Village + P.O.- Asharhi, P.S.- Hilsa, District- Nalanda Versus 1. The State Of Bihar 2. Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna 3. Magadh University, Bodh Gaya through its Registrar 4. Vice Chancellor, Magadh University, Bodh Gaya 5. Registrar, Magadh University, Bodh Gaya 6. Finance Officer, Magadh University, Bodh Gaya 7. Principal, S.U. College, Hilsa, P.S.- Hilsa, District- Nalanda -----

11. 01.2012 Petitioner claims to be appointed in the College on a class-IV post in 1981 when the College was under private management. He claims that he was paid his salary by the management till October, 1992 whereafter it was stopped. The College was later on take-over as constituent unit of the University and the management of the College submitted a list of teaching and non-teaching employees of the College for absorption of their services under the University in 1988 itself. It is admitted by the petitioner that in that list his name was not included. Thereafter it is said that petitioner has been kept on approaching 2 the

Principal for sending his name for absorption, but to no avail. Now the petitioner prays for a direction to the respondents to absorb his services as a class-IV employee of the College. If after take-over of the College the management of the College had not forwarded the name of the petitioner for consideration of his absorption in the regular service of the University, the petitioners cause of action arose at that very point of time. Admittedly he did not challenge the said action of the management and kept on approaching the authorities. Now after 12 years, he claims that his name should have been forwarded by the management and he should have been absorbed in the regular service of the University. Clearly, the application suffers from gross delay and laches. The same is accordingly dismissed. Arvind/ (J.N. Singh, J.)

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