

ITEM NO.41+58

COURT NO.8

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Item No.41 :

CONMT.PET. (C) No.832/2018 in C.A.No.2703/2017

RAVINDRA KUMAR & ORS.

Petitioner(s)

VERSUS

ANJANI KUMAR SINGH & ORS.

Respondent(s)

WITH

CONMT.PET. (C) No.885/2018 in C.A.No.2792/2017 (XVI)

CONMT.PET. (C) Nos.927-933/2018 in C.A.Nos.2760-2766/2017 (XVI)

CONMT.PET. (C) Nos.950-951/2018 in C.A.Nos.2788-2789/2017 (XVI)

CONMT.PET. (C) Nos.948-949/2018 in C.A.Nos.2788-2789/2017 (XVI)

CONMT.PET. (C) No.887/2018 in C.A.No.2703/2017 (XVI)

CONMT.PET. (C) No.1188/2018 in C.A.No.2703/2017 (XVI)

(With appln.(s) for exemption from filing O.T.)

CONMT.PET. (C) No.886/2018 in C.A. No.2703/2017 (XVI)

(With appln. for permission to file contempt petition)

CONMT.PET. (C) No.981/2018 in C.A.No.2703/2017 (XVI)

CONMT.PET. (C) No.1027/2018 in C.A.No.2703/2017 (XVI)

CONMT.PET. (C) No.1028/2018 in C.A. No.2703/2017 (XVI)

CONMT.PET. (C) No.1029/2018 in C.A. No.2703/2017 (XVI)

CONMT.PET. (C) No.1030/2018 in C.A. No.2703/2017 (XVI)

CONMT.PET. (C) Nos.1033-1034/2018 in C.A.Nos.2788-2789/2017 (XVI)

CONMT.PET. (C) Nos.1031-1032/2018 in C.A.Nos.2788-2789/2017 (XVI)

(With appln.(s) seeking exemption from filing O.T.)

CONMT.PET. (C) No.1223/2018 in C.A.No.2703/2017 (XVI)

Item No.58 :

CONMT.PET. (C) No.1746/2018 in C.A.No.2703/2017

CONMT.PET. (C) Nos.1742-1743/2018 in C.A.Nos.2788-2789/2017

CONMT.PET. (C) Nos.1744-1745/2018 in C.A.Nos.2788-2789/2017

(With appln.(s) for exemption from appointment of official translator)

CONMT.PET. (C) Nos.1747/2018 in C.A.Nos.2703/2017

CONMT.PET. (C) Nos.1748/2018 in C.A.Nos.2703/2017

CONMT.PET. (C) Nos.1749/2018 in C.A.Nos.2703/2017
 CONMT.PET. (C) Nos.1750/2018 in C.A.Nos.2703/2017
 CONMT.PET. (C) Nos.1754/2018 in C.A.Nos.2703/2017
 CONMT.PET. (C) Nos.1755/2018 in C.A.Nos.2703/2017
 CONMT.PET. (C) Nos.1756/2018 in C.A.Nos.2703/2017

Date : 24-09-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
 HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s)

Mr. Neeraj Shekhar, AOR
 Mr. Animeksh Kumar, Adv.
 Mr. Ashutosh Thakur, Adv.
 Mr. Rana Prashant, Adv.
 Mr. Sumit Kumar, Adv.

CP 950-951/2018

Mr. Manish Kumar Saran, AOR
 Mr. Vijay Kumar Saran, Adv.
 Mr. Satya Prakash Saran, Adv.

Mr. Ajay Kumar Singh, AOR

CP 1188/2018

Mr. Anil Kumar Jha, AOR
 Ms. Vijayalaxmi Jha, Adv.
 Ms. Jyoti Kumari, Adv.

Ms. Manjula Gupta, AOR
 Mr. Prem Sunder Jha, Adv.

CP 1756/2018

Mr. Anupam Lal Das
 Mr. Anirudh Singh, Adv.
 Mr. Krishanu Barua, Adv.

CP 886/2018

Mr. Ajay Kumar Singh, AOR
 Ms. Aisha Singh, Adv.
 Mr. Pranoy Kumar, Adv.

For Respondent(s)

State of Bihar

Mr. Dinesh Dwivedi, Sr. Adv.
 Ms. Abha R. Sharma, AOR
 Mr. D.S. Parmar, Adv.
 Mr. Ankit Mishra, Adv.

State of Jharkhand

Mr. Vijay Hansaria, Sr. Adv.
 Mr. Gopal Prasad, AOR

For Magadh Univ.

Mr. S. Wasim A. Qadri, Adv.
 Mr. Qamar Ahsan, Vice Chancellor, Magadh Univ.
 Col. Pranav Kumar, Registrar, Magadh Univ.

Contd. Mr. Zaid Ali, Adv.
Mr. Tamim Qadri, Adv.
Mr. Saeed Qadri, Adv.
Ms. Udita Singh, AOR

CP 948-949/2018 Mr. Azmat H. Amanullah, Adv.
For RR 3 & 4 for M/s. ACM Legal, AOR

CP 1031-1032/2018 Mr. Azmat H. Amanullah, Adv.
For RR 3 & 4 Mr. Gopal Prasad, AOR

CP 1033-34/2018 Mr. Rakesh K. Khanna, Sr. Adv.
Mr. Rajesh Prasad Singh, AOR
Mr. Rajeev Singh, Adv.
Ms. Sunita Singh, Adv.
Ms. Shefali Jain, Adv.
Mr. Ali Mushtaq Nawazish, Adv.

CP 832/2018 Mr. Rakesh K. Khanna, Sr. Adv.
Mr. R.P. Singh, Adv.
Ms. Shefali Jain, Adv.

For T.M. Bhagalpur University Mr. Atul Jha, Adv.
Mr. Sandeep Jha, Adv.
Mr. Dharmendra Kumar Sinha, Adv.
Contemnor present:
Dr. Prof. Neilkanth Jha, Vice Chancellor
Mr. H.N. Singh, Finance Officer
Col. Arun K. Singh, Registrar

CP 927-933/2018 Mr. Atul Kumar, AOR
For RR 3 & 4 Mr. Ajay Amritraj, Adv.
Ms. Sweety Singh, Adv.
Ms. Archana Kumari, Adv.
Mr. Rahul Pandey, Adv.
Mr. Tushar Duneja, Adv.

CP 886/2018 Mr. Atul Kumar, AOR
For RR 3 & 4 Mr. Ajay Amritraj, Adv.
Ms. Sweety Singh, Adv.
Ms. Archana Kumari, Adv.
Mr. Rahul Pandey, Adv.
Mr. Sankalp Agrawal, Adv.

For BNM University Mr. Sanjeev Kumar, AOR
Mr. H.K. Naik, Adv.
Mr. Ajay Amrit Raj, Adv.
Mr. Rajnish, Adv.
Mr. Sanjay Kumar, Adv.

Munger University Newly added	Ms. Nivedita Nirvikar, Adv.
For Patliputra University	Mr. Anand Kumar, Adv.
CP 887/2018 For RR 4 & 6 Ranchi University	Mr. Rajeev Singh, AOR Mr. Ramesh Kumar Pandey, Vice Chancellor Mr. Amar Kumar Chaudhry, Registrar Mr. Prabudha Singh Gaur, Adv.
CP 933-34/2018	Mr. Saket Singh, Adv. Ms. Niranjana Singh, Adv.
Officers of the State of Jharkhand	Mr. Ajay Kumar Singh, Principal Secretary Mr. Dinesh Prasad, Director Mr. Vijay Mohan Prasad, Finance Officer
Contemnors present Govt. of Bihar	Mr. Anjani Kumar Singh, Chief Secretary Mr. R.K. Mahajan, Principal Secretary Prof. (Dr.) Khalid Mirja, Director Higher Edu.
Personal appearance for LNMU Univ.	Mr. Akhileshwar Kumar Singh, Deputy Registrar-II Mr. Vinod Kumar, Finance Officer
B.R.A. Bihar University CP 1033-34/2018	Dr. Amrendra Narain Yadav, Vice Chancellor Mr. A.K. Roy, Registrar
CP 832/2018 Purnia Univ.	Dr. Rajesh Singh, Vice Chancellor Mr. Pramod Kumar, Registrar-ii Mr. S.N. Mahto, Finance Officer

UPON hearing the counsel the Court made the following
O R D E R

Permission to file the contempt petition(s) is granted.

Heard learned counsel for the parties.

It was submitted on behalf of the State of Jharkhand that out of 155 teachers, they have already done the needful with respect to 72 teachers. The payment with respect to them had also been released. The University has to disburse the amount to them, in case it has not been disbursed. We direct the concerned University to pay the

amount within a period of six weeks' from today.

With respect to 42 employees, it was pointed out by the State of Jharkhand that their services were terminated in the year 1992 and they were re-instated in the year 1998. In our opinion, the period has to be counted as continuity in service. Accordingly, the financial benefit that may be available to them from the date of re-instatement has to be extended. It is assured by Mr. Vijay Hansaria, learned senior counsel appearing on behalf of State of Jharkhand, the same shall be released to the concerned University, within a period of two months from today.

With respect to remaining 41 employees in Jharkhand, University has reported that the record of 29 employees is not available with it. However, final decision is required to be taken by the State Government with respect to 29 employees. Let the decision be taken, the same shall be subject to the final decision of this Court, in these matters.

With respect to 8 employees, the matter is in process for release of the benefits by State Government of Jharkhand.

With respect to one of the employees, it has been pointed out that, pursuant to the order passed by this Court, no affidavit has been filed and he has joined the services of University after proper selection.

With regard to three employees (two from Ranchi University and one from SKM University), universities have not forwarded the relevant orders. Let the concerned University do the needful, with respect to three employees and forward the compliance and send the views to the State Government. Let the aforesaid Universities comply with the direction within one month from today.

With respect to State of Bihar, it was pointed out that out of 472 candidates, 466 have been absorbed and the

cases of rest of the 6 candidates are under process.

In the second category, out of 640 candidates, 285 have been absorbed and the salaries have been released to the University. We direct the University concerned to make the payment to the employees within six weeks from today.

With respect to remaining 240 employees, Mr. Dinesh Dwivedi, learned senior counsel appearing on behalf of the State of Bihar, pointed out that the University is making the inquiry to form an opinion and to send a report to the State Government. Let the compliance by the University as well as by the State Government be made within a period of two months from today.

With respect to 112 employees, the Universities have rejected the claims. Let the final decision be taken with respect to them by State Government within a period two months from today. However, same shall be subject to the final decision of this Court in these matters.

It was also stated by the learned senior counsel appearing on behalf of the State of Bihar that with respect to employees whose claims have been allowed by the State Government, their current salaries as well as the arrears will be released within a period of 10 (ten) days from today, for payment to the concerned employees. Let needful be done as undertaken.

Let the contemnors report the compliance case-wise, to be filed in each matter, in addition to general reply.

One responsible officer of each of the State is directed to be present in the Court, on the next date of hearing. The presence of other contemnors is dispensed with for the time being.

It was pointed out by the learned counsel that the requisite records has not been transmitted from Magadh University to the Patliputra University and from Bhagalpur University to the Munger University. If that be so, let

the needful be done within a period of one month from today.

Newly appointed/substituted incumbents are also free to file their reply and report compliance, to this Court.

List the matters on 11th December, 2018.

(SUKHBIR PAUL KAUR)
AR-CUM-PS

(JAGDISH CHANDER)
BRANCH OFFICER