IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5241 of 2026

CNR No. BRHC010329702026

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1. Shankar Prasad Sharma S/o Late Bhagwan Dayal Singh R/o Srikrishna Puri, Kashipur, Samastipur
2. Dr. Dinesh Kumar Mahto, S/o Late Mahabir Mahto R/o Subhankerpur, Darbhanga Bihar- 846006.
3. Dr. Arun Kumar Choudhary, S/o Late Rambujhaban Chaudhary R/o Mohala Balbhadrapur Near Braham Sthan Dist.- Darbhanga Bihar- 800014.
4. Dr. Alok Kumar Singh, S/o Late Gaya Prasad Singh R/o Vill.- Baranda, Post- Baluganj, P.S. Dhibra, Distt.- Aurangabad Bihar- 824218.
5. Dr. Arun Kumar Singh, S/o Late Tej Pratap Singh R/o Vill. Saidpur, P.O. Dumari, P.S. Fatuha Distt. Patna Bihar- 803201.
6. Dr. Md. Aasaduzaman, S/o late Md. Masihuddin R/o Mumtaz Mohalla Ward No.- 13, P.O.- Naugachia Distt.- Bhagalpur - 853204.
7. Dr. Meena Kumari, D/o Ram Khelawan Sahu R/o Akhil Prem Niwas Goushala Road, Ward No.- 22, P.O.- Naughachia Bhagalpur Bihar- 853204.
8. Dr. Sashi Ranjan, S/o Nawal Kishore Singh R/o Vill. Babhanbigha Distt. Sheikpura, Bihar- 811101.
9. Dr. Awadhesh Kr. Singh, S/o Managar Singh R/o K-202 Patligrem apartment Patna Bihar- 800007.
10. Dr. Dinesh Prasad Sinha, S/o Late Manikamana Pd. Sinha R/o Mahadev Road Mahajan Toli Bhojpur Ara Bihar- 802301.
11. Dr. Balbodh Yadav, S/o Late Prmeshwar Yadav R/o Muhalla Chunabhathi, P.O.- Laxmisagar, Distt.- Darbhanga Bihar- 846009.
12. Dr. Prahlad Kumar, S/o Late Shiva Ishwar Dayal R/o Mokhtar Toli Kadam Kuan, Nala Road Patna Bihar- 800003.
13. Dr. Naresh Chandra Vidyarthi, S/o Sukhdeo Prasad Singh Yadav R/o Yaduvanshi Nagar Malgodam Nawada Bihar- 805110.
14. Dr. Rajesh Kumar Bariar, S/o Late J.P. Bariar R/o Near Devi Sthan, Chittranagar, New Area Aurangabad Bihar- 824101.
15. Dr. Nand Kishore Singh, S/o Suresh Singh R/o Post Graduate Deptt. of Zoology M.U. Bodh Gaya.
16. Surendra Kumar, S/o Ram Prit Singh R/o Nagla Main Road, Malsalrni Patna City 800008 Bihar.
17. Banke Bihari Singh, S/o Late Bajrangi Singh R/o T.S. College Hisua Vill.- Urash, P.O. and P.S.- Hisua, Dist.- Nawada (Bihar) 805103.
18. Ashok Kumar Jha, S/o Late Bideswar Jha R/o Vill. and P.O.- Meghaul, Via Sakri Dist.- Madhubani (Bihar) 847239 Madhubani.
19. Kishori Sah, S/o Late Ganga Sah R/o Vill.- Brahim Pur, Sakri Station Road, P.O.- Sakri, Dist.- Darbhanga.
20. Arun Kumar Ghosh, S/o Panchu Gopal Ghosh R/o D28/1, 2nd Floor, Rabindra Pally Near Jubak Sangaa club, P.O.- Bagharatin Patui Kolkata.

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21. Prabhuranjan Prasad Singh, S/o Late Haribansh Narayan Singh R/o New Professors Colony, Dinkar Nagar, P.O. Refinary Township, P.O. Nagar, Dist. Bagusarai, Bihar.
22. Krishna Sevak Pd. Singh, S/o Late Kapil Deo Singh R/o Srikrishnapuri West, Munishpal Tanching Ground, Dharampur, Samastipur, Bihar- 848101.
23. S.M. Imran Ahmad, S/o A.R.M. Ghazi R/o Ward No.- 44 Khatopur, P.O. Mirzapur Bandbar Dist. Begusarai.
24. Manoj Kumar Singh, S/o Late Devendra Prasad Singh R/o Lohiya Nagar, Ward No.- 28, P.O.- Suhird Nagar Begusarai.
25. Ratish Kumar, S/o Late Raghu Nandan Singh R/o Vill. and Post- Badalpura, Thana Motihari, Dist. Bagusarai.
26. Ratnanshu Thakur, S/o Late Upendra Thakur R/o Bagha Ward No.- 24, Suhird Nagar, Begusarai.
27. Awadh Kishor Saha, S/o Late Doman Saha R/o At Rajia Bhawan, Naya Chawk Kurdela, P.O.- A.G. Bazar, Dist.- Katihar, Pin- 854101.
28. Arun Kumar, S/o Narottam Kumar R/o Vill. and P.O.- Teri, Naugacha, Bhagalpur 853204.
29. Pratima Kumari, D/o Late Jageshwar Singh R/o M.A.M. College Naughachia.
30. Himanshu Shekhar Mishra, S/o Jyotindra Mishra R/o Rajendra Colony Naugachia, P.O. Mania Mor, P.S. Naugachia, Dist. Bhagalpur- 853204.
31. Kaushal Kishore Singh, S/o Late Rangnath Singh R/o Vill.- Naurah, P.O. Nagrah, P.S. Naugachia Distt. Bhagalpur (Bihar).
32. Devendra Prasad Sharma, S/o Rajendra Prasad Sharma R/o Professor Colony Naugachia, P.O. Naugachia Dist. Bhagalpur.
33. I R A Singh, D/o Kanta Prasad Ram R/o Village- Dimaha Diyara, P.O. and P.S.- Ismailpur, Dist.- Bhagalpur.
34. Sunil Kumar Mandal, S/o Mahabir Mandal R/o Nayatola, Nangachia.
35. Poonam Kumari, D/o Late Ramnandan Prasad Singh R/o Vill.- Pakra, Via-Naugachia, Dist. Bhagalpur.
36. Subodh Kumar Singh, S/o Shiv Narayan Singh R/o Dharm Shala Road, Naugachia, Bhagalpur.
37. Devashish Laheri, S/o Late Dr. D.D. Laheri R/o Naugachia W.No.- 26 South Point School.
38. Poonam Kumari Gupta, W/o Ajay Kumar Gupta R/o Musahari Patti, Ward-26, Naugachia (Bhagalpur) 853204.
39. Minakshi Kumari, D/o Shashidhar Jha R/o Gaushala road Naugachia, Near South P.O in School, Ward No.- 20, Bhagalpur, Pin 853204.
40. Seema Gupta, D/o Prof. Harinandan Prasad R/o Professor Colony, Naugachia M.A.M. College Naugachia - 853204.
41. Balram Prasad Singh, S/o Late Ram Prasad Singh R/o Vill.- Phalhanwan, P.O.- Lohra, P.S.- Harnavi Distt.- Nalanda (Bihar) 803110.
42. Sunil Kumar Bhakta, S/o Late Lakshmi Prasad Bhakta Vill. and P.O.- Salha,

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Dist.- Vaishali (Bihar) - 844505.

43. Kanta Devi, W/o Late Ashok Kumar Bhakta R/o, P.O.- Salha, Dist.- Vaishali (Bihar).

44. Dr. Ravindra Kumar, S/o Sri. Tapeshwar Thakur R/o Brahmpura, Sanjay Cinema Road, Gali No.- 07, House No. A3/32, Post M.I.T. Pin 842003 Muzaffarpur, Bihar.

45. Parvin Kumar, S/o Late Awadhesh Kumar Verma R/o Ramrati Kunj Moh. Sahay Campus, P.S.- Kazimohammedpur, Chhaitach Chok, District- Muzaffarpur, Pin code 842001.

46. Satyendra Rai, S/o Ramji Rai R/o P.O.- Arsia, P.S.- Jandaha, District- Vaishali Bihar- 844505.

47. Sunil Kumar Sharma, S/o Late Jagannath Pd. Sharma R/o Deptt. of Botany, B.M.D. College Dayalpur P.O. Bidupur (R.S.), Distt.- Vaishali.

48. Ram Kumar Singh, S/o- Nawal Kishore Singh R/o Vill.- Kardi and P.O.- Takiya Karvi, Dist.- Gaya.

49. Satendra Kumar, S/o- Naresh Prasad Singh R/o- At -P.O.- Rampur Sindai, P.S.- Barbigha Dist.- Shekhpura 811101.

50. Arbind Prasad Sinha, S/o- Late Jagdish Prasad R/o- Vill.- Nepura P.S. and P.O.- Asthawan, Dist.- Nalanda (Bihar).

51. Subodh Kumar Mondal, S/o- Late Raghu Mandal R/o- Vill. and P.O.- Dwashay, P.S.- Dadkhora, Distt.- Katihar 855105 Bihar.

52. Umesh Chandra Tiwari, S/o- Late Dwarika Prasad Tiwari R/o- Qr. No.- 133, A.P. Colony, Gaya (Bihar).

53. Satyasheel Kumar Mishra, S/o- Janardah Prasad Mishra R/o- ACE aspire, Flat No. G203, Tech Zoneu, Greater Noida Sector 1, District Gautam Budha Nagar 201306 U.P.

54. Tarapati Singh, S/o- Late Vidyapati Singh R/o- Junior Bramch Branch, Madhubani Ward No.- 03.

55. Mohsin Ahmad, S/o- Late Syed Fazlur Rahman R/o- At Shahpur Undi, P.O.- Shahpur Undi Via, Dist. Samastipur, Bihar.

56. Shyamal Biswas, S/o- Late Sachindra Nath Biswas R/o- Kathal Bari Bhandar Chowk Near P.O.- LalBagh Dist.- Darbhanga Bihar.

57. Birendra Thakur, S/o- Late Indra Kant Thakur R/o- Vill. Chataria, P.O.- Subhankarpur, Distt. Darbhanga.

58. Mohammad Altaful Haque, S/o- Quazi Ansarul Haque R/o- At- Po. Kumtaul, Via Kumrauli Dist.- Darbhanga.

59. Krishna Murari Acharya, S/o- Late Tej Narayan Acharya R/o- Vill. and P.O.- Akberpur Bank, P.S. Biraul, Dist.- Darbhanga.

60. Madan Kumar Jha, S/o- Late Krishnadev Jha R/o- Vill and P.O.- Raghapur Thana Manigachi Darbhanga.

61. Dheera Choudhary, W/o Amar Nath Choudhary R/o- Vill. and P.O.- Nehra, Darbhanga.

62. Syed Mohammad Sayeed Akhter, S/o- Syed Mohammad Shamsul Haque R/o- Chak Rahmat, infront of Girls Hostel Darbhanga Chak Rahmat, infront

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of Girls Hostel Darbhanga.

63. Shankar Prasad, S/o- Late Lakhan Prasad R/o- West Mohan Bigha Newarea Patel Gali Dehri on Sone, Rohtas- 821305.

64. Ashok Kumar, S/o- Late Prayag Pal Panday R/o- Moh.- Koirpurwa Near Paliwa, Buxur.

65. Siya Ram Singh, S/o- Late Kapoor Singh R/o- Professor Colony Syndicate Buxar Bihar.

66. Chandeswar Pd. Singh, S/o- Late Shiv Dayal Singh R/o- At Nawada, P.O. and P.S.- Nawada (Ara) Dist. Bhojpur 802301.

67. Ramasharya Prasad, S/o- Sh. Siya Sharan Prasad Singh R/o- Ramasharya Prasad Ward No.- 3, Raipur.

68. Dr. Narendra Tiwari, S/o- Lt. Ram Bachan Tiwari R/o East Patil Nagar, Road No.- 06, House No.- 55, Patna 23.

69. Surendra Kumar Singh, S/o- Late Jagdish Singh R/o- Surendra Kumar Singh S/o Late Jagdish Singh, Vill.- Gunjadihari, P.O.- Rupsagar, P.S. Nawanagar, Distt. Buxar, State- Bihar.

70. Dr. Raish Singh S/o- Late Mangeshwar Singh R/o- College of commerce Arts and Science Patna.

71. Mahesh Prasad, S/o- Late Ram Deo Prasad R/o- 405, Bhagwat Kunj, Sardar patel marg, N Sri Krishnapuri, Boring Road, Patna-13.

72. Ashok Kumar, S/o- Late Ram Bachan Prasad Singh R/o- Village Samtam Bigha, P.O.- Bansdih, Dist. Nalanda, 801307.

73. Kundan Kumar Singh, S/o- Late Lal Bahadur Singh R/o- Vill. Koilwar, Misra Tola, Ward NV- 03, P.O.- Koilwar P.S. Koilwar Dist. Bhojpur, Bihar 802160.

74. Dr. Sharad Kumar, S/o- Late Brajnandan Pd. Yadav R/o- College of Commerce, Arts and Sci. Patna.

75. Vipendra Kumar Sinha, S/o- Late Surendra Kumar Sinha R/o- Mohalla Sohdih, P.O.- Sohsona, Bihar Distt. Nalanda.

76. Dr. Sheo Kumar Yadav, S/o- Late Jitan Yadav R/o- P.G. Deptt. of Physics, Magadh University, Body Gaya.

77. Dr. Sanjeev Kumar, S/o- Late Brajnandan Pd. Yadav R/o- P.G. Deptt. of Chemistry, M.U. Body Gaya.

78. Dr. Ram Sewak Singh, S/o- Late kailash Singh R/o- Deptt. Physics, M.U. Bodh Gaya.

79. Anil Kumar, S/o- Late Dipan Prasad R/o- P.G. Deptt. of Chemistry M.U. Bodh Gaya.

80.
1. Shanaz Shabbir, wife of Md. Shabbir, Resident of near Masjid white house compound, PS-Gaya, District-Gaya.

81. Baban Singh, S/o- Gurucharan Singh R/o- Vill. Shahpur, P.S.- Aurangabad Dist.- Aurangabad (Bihar).

82. Paras Nath Kumar, S/o- Late Hari Narayan Singh R/o- T.S. College, Hisua (Nawada) Deptt. of Physics.

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83. Haridwar Singh, S/o- Late Rameshwar Singh R/o- T.S. College, Hisua (Nawada) Deptt. of Botany.

84. Arun Kumar Singh, S/o- Late- Ram Nandan Singh R/o- Purwari Tola Near Post Office Ward No.-11 Sakh Mohan Samastipur.

85. Ashok Kumar Singh, S/o- Late Shree Sidheswari Singh R/o- Deptt. of Physics, S. Sinha College Aurangabad 824102.

86. Dr. Vijay Kumar Sinha, S/o- late Siva Nandan Prasad R/o- Dept. of botany Patna Science College Patna Bihar Patna University.

87. Dr. Binay Kumar Singh, S/o- Late Bhunywar Pd. Singh R/o- P.G. Dept. of Patna University Bihar.

88. Dr. Raadhe Shayam Pd. Sinha, S/o- Late Rajendra Pd. Sinha R/o- Dept. of Botany Patna University, Bihar.

89. Dr. Arun kumar Singh, S/o- Late Prof. Satyadeo Singh R/o- Vill. and Post- Naini, P.S.- Chhapra Muffasil Dist.- Chhapra, Saran 841301.

90. Abdus Salam, S/o- Late Md. Yasin Khan R/o- Greenland School, W. No.- 27, Dharampur Samastipur Bihar.

91. Ashok Kumar Mahto, S/o- Late Saryu Mahto R/o- Ray Hassanpur Chain tola Bhikhna Pahari P.O.- Bankipur P.S.- Kadamkaun, Patna 800004.

92. Abhay Kumar Chowdhari, S/o- Sri Shiv Person Chowdhary R/o- vill- Sahuari P.O.- Karagahar P.S.- Karagahar Distt.- Rohtas.

93. Prafulla Kumar, S/o- Bhola Singh R/o- Vill.- Dharseni P.O.- Kuttaut P.S.- Barbigha Distt.- Sheikhpura 811101.

94. Ashok Kumar Singh, S/o- Harinandan Prasad Singh R/o- At Post- Sari Area Warishnagar Distt.-Samastipur.

95. Dharmshila Kumari, H/o- Late Nand Kishor Prasad Bhakta Vill. and P.O.- Salha Dist.- Vaishali Bihar.

96.1. Manorama Singh, wife of Late Bishwendra Pratap Singh, resident Bara Bag Road, Textile Colony, PS- Dumraon, District - Buxar.

96.2. Aparajita Singh, dauther of Late Bishwendra Pratap Singh, resident Bara Bag Road, Textile Colony, PS- Dumraon, District - Buxar.

96.3. Ratnesh Kumar Singh, son of Late Bishwendra Pratap Singh, resident Bara Bag Road, Textile Colony, PS- Dumraon, District - Buxar.

96.4. Ritesh Kumar, son of Late Bishwendra Pratap Singh, resident Bara Bag Road, Textile Colony, PS- Dumraon, District - Buxar.

... ... Petitioners

Versus

1. State of Bihar through Chief Secretary, Government of Bihar, Main Secretariat, Patna- 800015 (Bihar).

2. Principal Secretary, Higher Education, Government of Bihar, Vikash Bhavan, Ground Floor, New Secretariat, Patna- 800015 (Bihar).

3. Special Secretary, Higher Education, Government of Bihar, Vikash Bhavan, New Secretariat, Patna- 800015 (Bihar).

4. Director, Higher Education, Government of Bihar, Vikash Bhavan, New Secretariat, Patna- 800015 (Bihar).

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5. Dr Amrendra Kumar Jha, S/o Mr Indra Nand Jha, R/o Mohalla Gangasagar Ward No. 28 South of Marwari College, District-Darbhanga, Pin Code-846004, presently working Re-designated Demonstrator, Department of Botany, Marwari College, Darbhanga, Lalit Narayan Mithila University, Darbhanga, Bihar.

6. Dr Awadhesh Prasad Yadav, S/o Mr Ramkrit Ray, R/o Village Dharipur, PO Harajee, PS Awatar Nagar District-Saran (Chapra), Bihar, Pin Code- 84120, presently working as Re-designated Demonstrator, Department of Physics, Marwari College, Darbhanga, Lalit Narayan Mithila University, Darbhanga, Bihar.

7. Dr Anil Bihari Verma, S/o Mr Bipin Bihari Verma, R/o Botanical Place, near Kalyan Hostal, Gangasagar PO, Lalbag, District-Darbhanga, Pin Code-846004 (Bihar), presently working as Re-designated Demonstrator, Department of Botany, Marwari College, Darbhanga, Lalit Narayan Mithila University, Darbhanga, Bihar.

8. Laliteshwar Mishra Lalitesh @ Laliteshwar Mishra, Son of Aniruddha Mishra, Resident of Garhia, PS-Bangaon, District-Saharsa at present Residing at ward no. 7, Kali Bari Om sai Colony, PO-Deoghar, District-Deoghar, Jarkhand.

9. Shashi Bhushan Prasad Singh, Son of Dharam Raj Singh, Resident of ward no. 17 Barhi Tola, PO and PS- Mokama, District-Patna.

10. Manoj Kumar Singh, Son of Bhagwat Prasad Singh, Resident of Aadarsh Niwash, Kamal Nagar Colony, Ambai, PS-Bhagalpur, District-Bhagalpur.

11. Kaushal Kishore Prasad, Son of Dhrub Narayan Thakur, Resident of Near Bus Stand, Kadirabad, PS-Darbhanga, District-Darbhanga.

12. Uma Shankar Mishra, Son of Kamleshwari Mishra, Resident of Mishrapur, Post-Kumaitha, District-Bhagalpur.

13. Prabhat Kumar, son of Murli Dhar Mallik, Resident of south Dighi, Lalbagh, PS-Darbhanga, District-Darbhanga.

14. Nageshwar Prasad Yadav, Son of Ramsudhari Yadav, Resident of Gandhinagar Katrahiya, PS-Darbhanga Sadar, District-Darbhanga.

15. Hamendra Narayan Yadav, Son of Asharfi Singh, ward no. 7, Khaira Kunji, PS- Bahadurpur, District-Darbhanga.

16. Subodh Chandra Yadav, son of Suresh Chandra Yadav, ward no. 13, Katahalbari Chowk, PS-LNMU, District-Darbhanga.

17. Madan Mohan Choudhary, Son of Suryakant Chourdhary, Resident of ward no. 47, K M Tank Lehariyasarai, PS- Lehariyasarai, District-Darbhanga.

18. Gauri Shankar Jha, son of Late Chandra Shekhar Jha, Resident of Mohalla-Vidyapati Chowk, Mohala Kathalwari, P.O. Lalbag, P.S. L.N. Mithila University, District- Darbhanga.

19. Ramakant Lal Karn, Son of Late Brahamdev Lal Das, Resident of Village-Chhapki Parri, Shanti Vihar Colony, Near Panchayat Bhawan, P.O. Laxmisagar, P.S. Sadar, District- Darbhanga.

20. Bhogendar Kumar Jha, Son of Late Chandra Kant Jha, Resident of Village-Chataria, P.O. Subhankarpur, P.S. Mabbi, District- Darbhanga.

21. Madhav Choudhary, Son of Late Deo Kant Choudhary, Resident of Mohalla-

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Subhankarpur, New Colony, P.O. Subhankarpur, P.S. Darbhanga Town, District- Darbhanga.

22. Radha Shyam Mandal, Son of Late Darpi Mandal, Resident of Village- Chanduna, P.O. Chanduna, P.S. Jale, District- Darbhanga.
23. Radha Kant Roy, Son of Late Kedar Roy, Resident of Mohalla- Raj Motor Gairage, P.O. K.S.D.S. Sanskrit Univertiy, P.S. L.N. Mithila University, District- Darbhanga.
24. Amod Narayan Singh, Son of Sital Prasad Singh, Resident of Madhura north, PS-Narpatganj, District-Araria-854335.
25. Yashwir Prasad, Son of Niras Prasad, Resident of Hayaghat, PS-Hayaghat, District-Darbhanga.
26. Bishwambhar Choudhar, Son of Yogendra Choudhary, Resident of Bashaitha, PS-Benipatti, District-Madhubani-847102.
27. Shivendra Prasad, Son of Dr. Radhe Shyam Prasad, Resident of New Brahampur Road no. 1, Khemnichak, PS-Ramkrishna Nagar, Patna-800027.
28. Nazmul Hakim Nayeem, S/o M.A.Nayeem, R/o Ali Nam, Barahpura Road, Islamnagar, Bhikhanpur Gumti No. 3, P.S. Ishakchak, Dist - Bhagalpur.
29. Dr. Mohammad Sahab Ahmad, S/o Late Haji Khalil Ahmad, R/o Hakin Amir Hasan Lane, Tatarpur, P.S. - Tatarpur, Town and Dist - Bhagalpur.
30. Md. Ehtesham Ahmed, S/o Late Md. Gafoor, R/o Karamat Ali Lane, Tatarpur, P.S.-Tatarpur, Town and Dist - Bhagalpur.
31. Dileep Kumar Thakur, S/o Maheshwar Thakur, R/o Lal Kothi, Tatarpur, P.S.-Tatarpur, Town and Dist - Bhagalpur.
32. Fatma Benazir, W/o Md. Iftekhar Ansari, R/o Bhairo Lal Lane, Mohanpur, Champanagar, P.S. Nathnagar, Town and Dist - Bhagalpur.
33. Dr. Shubha Pathak, Daughter of Late Dr. Murari Pathak, Resident of Flat No. 162/C, Saket Vihar Apartment, Khajpura, Patna-800014.
34. Dr. Ashok Kumar, Son of Late Ambika Pd. Seth, Resident of Police Line, near PHED Office, Behind Shivam Nursing Home, Rampur, Gaya-823001.
35. Ashok Kumar Sinha, Son of Late Raj Kumar Lal, Resident of Raj Sadan, Ward No. 13, Near Nagar Parishad Gate, P.O., P.S. and District Kaimur (Bhabhua).
36. Arun Kumar, Son of Late Maheshwar Prasad, Resident of Ward No.7, Lodipur House Kachhari Road, Beside Police Station, P.O., P.S.and District Kaimur (Bhabhua).
37. Dr. Vijay Kumar Sinha Son of Late Bhola Nath Sinha, Resident of Chand Chaura (Gabra par) P.O., P.S. and District Gayaji -823001.
38. Dr. Bimla Pathak, D/o Dr. Murari Pathak, Resident of Village Bank P.O.Bank P.S.-Akhori Gola, Dehari on sone, District Rohtas-821001.
39. Dr. Quisar Ahmad, Son of Late Habib Ahmad Resident of Rahat Manjil Road, No.1/A white house Compound, Gaya-823001.
40. Shashi Kant Jha Son of Late Ramchandra Jha, Resident of Mohalla- Jethiyahi Pokhar, Mirzapur, P.O- Lalbagh, P.S. Sadar, Darbhanga, District- Darbhanga.
41. Gangadhar Jha Son of Late Harivallabh Jha, Resident of Village- Ward

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no.01, Satghara, P.O. Satghara, P.S. Babubarhi, District- Madhubani.

... ... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Abhinav Shrivastava, Sr. Advocate
	:	Mr. Anjani Kumar Jha, Advocate
	:	Mr. Dr. Raushan, Advocate
	:	Ms. Shreyashi Raj, Advocate
	:	Mr. Tauseef Waquar, Advocate
	:	Mr. Akshat Kumar, Advocate
	:	Mr. Chinmay Harsh Karn, Advocate
For the State	:	Mr. S.D. Sanjay, AG
	:	Mr. Rahul Kumar, AC to AG
For the Respondents	:	Mr. Maurya Vijay Chandra, Advocate
	:	Ms. Preety Ranjan, Advocate
For the Intervenor	:	Mr. Purushottam Kumar Jha, Advocate
	:	Mr. Avanindra Kumar Jha, Advocate
	:	Mr. Bishwash Vijeta, Advocate
	:	Mr. Ram Naresh Jha, Advocate
	:	Mr. Prafull Chandra Jha, Advocate
	:	Mr. Keshav Kumar Jha, Adocate
	:	Mr. Rahul Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
CAV JUDGMENT
Date : 30-10-2026

Heard learned Senior Advocate/Advocates appearing for the respective parties.

2. At the outset, it is pertinent to note that the instant writ petition was originally instituted before the Hon'ble Supreme Court under Article 32 of the Constitution of India, seeking issuance of an appropriate writ, order or direction, particularly a writ of mandamus, for protection of the status, rank and pay of the petitioners, who claim to have been designated as "Demonstrators" against substantive sanctioned posts prior to 05.10.1991 in various constituent and affiliated colleges under different universities in the State of Bihar. The

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petitioners seek protection of their status, rank and pay, including the corresponding replacement and revised pay scales, in terms of the judgment and final order dated 27.02.2017 passed in Civil Appeal Nos. 6178–6188 of 2015, titled "***Durga Prasad Singh and Others v. State of Bihar and Others"***, and the judgment and order dated 22.07.2002 passed in Civil Appeal No. 4215–4216 of 2002, titled "***State of Bihar and Another v. Radha Krishna Jha and Others";*** as also in the light of the prescription as provided under Section 2(v) of the Bihar State Universities Act, 1976, read with Section 2(p) of the Bihar Universities Act, 1960, as well as the University Grants Commission (UGC) Circular dated 06.01.1973.

3. The petitioners have further prayed for quashing of the impugned orders bearing Nos. 1301 dated 06.07.2017, 1616 dated 01.09.2017 and 141 dated 01.02.2018, issued by the State Government, whereby, according to the petitioners, their status, rank and pay were adversely altered in an arbitrary and unreasonable manner, in violation of the principles of natural justice and contrary to the judgments of the Hon'ble Supreme Court and the High Court, as well as the applicable statutory provisions.

4. The aforesaid writ petition was registered as Writ

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Petition (Civil) No. 619 of 2024, titled ***"Shankar Prasad Sharma and Others v. The State of Bihar and Others"***. However, vide order dated 03.02.2026, the Hon'ble Supreme Court expressed its disinclination to entertain the writ petition under Article 32 of the Constitution of India and disposed of the same by transferring it to this Court for consideration under Article 226 of the Constitution. The relevant directions contained in the said order read as follows:

> *"2. We are not inclined to entertain this writ petition filed under Article 32 of the Constitution of India. However, as the Writ Petition was pending before this Court for sometime, we deem it appropriate to transfer the Writ Petition to the High Court of as a Writ Judicature at Patna for registering it Petition under Article 226 of the Constitution.*
>
> *3. The Registry is directed to transmit the entire records of the writ petition to the High Court expeditiously.*
>
> *4. It is made clear that we have not expressed any opinion on the merits of the matter. The parties will be entitled to raise all contentions and objections before the High Court and it is for the High Court to consider the case on its own merits and dispose it of.*
>
> *5. In view of the fact that the petition*

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has been pending for sometime, we request the High Court to take and dispose of the Writ the Petition as expeditiously as possible, preferably within a period of five months from today.

6. In view of above, the Writ Petition is disposed of."

5. Pursuant to the aforesaid order of the Hon'ble Supreme Court, the entire record of the writ petition was transmitted to this Court. Accordingly, the Registry of this Court registered the matter as Civil Writ Jurisdiction Case No. 5241 of 2026 under Article 226 of the Constitution of India, and the same was placed before the learned Single Judge on 23.04.2026.

6. After the matter was heard for some time, it was taken up for consideration on 21.07.2026. The hearing ultimately concluded on 03.09.2026, whereupon the judgment was reserved.

7. This Court is conscious of the time frame indicated by the Hon'ble Supreme Court for expeditious disposal of the matter. However, owing to a change in the roster and the panel of Government Advocates, some unavoidable delay has occurred.

8. The controversy in the present case has its genesis in the year 1969, when the Government of Bihar created the

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posts of Demonstrators in colleges, carrying the pay scale of Rs. 250–400. The posts were intended, *inter alia*, to provide for the placement of persons working as Laboratory Assistants, Laboratory In-charges and Lab Technicians in various colleges.

9. Subsequently, by Circular dated 06.01.1973, the University Grants Commission sanctioned the posts of Demonstrators and clarified that Demonstrators fell within the ambit of the expression "teacher" under Section 2(p) of the Bihar Universities Act, 1960.

10. Thereafter, the Bihar State Universities Act, 1976 came into force, repealing the 1960 Act. Under Section 2(v) of the 1976 Act, Demonstrators were included within the statutory definition of 'Teacher'.

11. The petitioners, as also the intervenor-applicants impleaded in the present proceedings, claim to have been working as Laboratory Technicians, Laboratory In-charges and persons holding similar positions in various colleges, and to have been appointed on different dates from the year 1976 onwards.

12. In the absence of promotional avenues for persons occupying such posts, writ petitions, being CWJC No. 387 of 1995 (R) and CWJC No. 2176 of 1996 (R), were instituted

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before the Ranchi Bench of the erstwhile Patna High Court, seeking appointment or redesignation of eligible persons as Demonstrators. Vide orders dated 07.09.1995 and 03.04.1997, respectively, the learned Single Judges allowed the said writ petitions and directed that eligible Laboratory Assistants, Laboratory In-charges and Technical Assistants be redesignated as Demonstrators.

13. The aforesaid orders were challenged before the learned Division Bench. However, the challenge was rejected vide order dated 09.12.1998 passed in LPA No. 274 of 1997 (R). The respondents were, *inter alia*, directed to constitute a committee to scrutinise the eligibility of Laboratory Assistants, Laboratory In-charges, Lab Technicians and Technical Assistants for appointment to the posts of Demonstrators.

14. The matter thereafter reached the Hon'ble Supreme Court in Civil Appeal Nos. 4215–4216 of 2002, arising out of SLP (C) Nos. 7021 and 7022 of 1999, titled "***State of Bihar and Another v. Radha Krishna Jha and Others"***. The Hon'ble Supreme Court upheld the judgment and order of the Division Bench dated 09.12.1998, observing, *inter alia*, that Laboratory Assistants working in technical institutions were equivalent to Laboratory Assistants working in colleges and that

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both categories were governed by the norms of the UGC.

15. Pursuant to the aforesaid directions, the State of Jharkhand, vide letter No. 5/MI-33/200/M-243 dated 07.04.2003, redesignated 42 Laboratory Assistants as Demonstrators, with the promotional avenues admissible to Demonstrators. In the meantime, the Department of Human Resources Development, Government of Bihar, prepared a memorandum for taking steps to designate eligible Laboratory Assistants, Laboratory In-charges and Technicians as Demonstrators. The proposal was approved by the Finance Department and subsequently by the State Cabinet on 06.06.2006.

16. Consequently, the Government of Bihar, vide letters bearing Nos. 1115 dated 14.06.2006 and 1456 dated 01.08.2006, directed the Vice-Chancellors of the universities concerned to redesignate Graduate Laboratory Assistants, Junior Laboratory Assistants, Laboratory In-charges, Lab Technicians and Technical Assistants as Demonstrators against sanctioned posts on a permanent and regular basis, with consequential fixation of pay in the applicable scale.

17. Thereafter, vide letter No. 1261 dated 09.06.2008, the State Government revised the pay scales of teachers,

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Principals and Vice-Principals in accordance with the recommendations concerning UGC pay scales. Under the said arrangement, Laboratory Assistants drawing the pay scale of Rs. 5,500–9,000 and having reached the pay of Rs. 8,300, or those who had completed 16 years of continuous service, were made eligible for the pay scale of Demonstrators, namely Rs. 8,000–13,500, with effect from 01.01.1996.

18. Upon approval of the relevant proposals, the petitioners, having been redesignated as Demonstrators, were granted the pay scale of Rs. 5,500–9,000 for the period commencing from 01.01.1996 up to 2006. Subsequently, pursuant to the recommendations of the Sixth Pay Commission, the corresponding replacement pay scale for Demonstrators, namely Rs. 15,600–39,100, was made applicable with effect from 01.01.2006. The petitioners accordingly claim entitlement to the corresponding revised pay scale admissible to Demonstrators.

19. In the meanwhile, with a view to removing certain anomalies in the provisions of the Bihar State Universities Act, 1976, the State Legislature enacted the Bihar State Universities (Amendment and Validation) Act, 2012.

20. By virtue of the said amendment, the definition of

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“teacher” was restricted to University Professors, Professors, Readers and Lecturers, and to sanctioned posts in the prescribed teachers’ grade. The amendment was given retrospective effect from 05.10.1991, being the date associated with the issuance of the UGC Regulations, 1991.

21. As a consequence of the amendment, Demonstrators, including persons formerly employed as Laboratory Assistants, Laboratory In-charges, Lab Technicians and Technical Assistants who had been redesignated as Demonstrators prior to 05.10.1991, were excluded from the statutory definition of “teacher”. The petitioners contend that, notwithstanding the said amendment, they had been appointed against sanctioned posts, redesignated as Demonstrators and continued to be treated as members of the teaching staff.

22. Pursuant to the 2012 Amendment Act, the State Government issued letter No. 1893 dated 22.10.2013 and letter No. 1964 dated 31.10.2013, whereby the status, rank and pay of persons formerly employed as Laboratory Assistants, Laboratory In-charges, Lab Technicians and Technical Assistants, who had been redesignated as Demonstrators prior to 05.10.1991, were altered. They were treated as non-teaching staff, and their pay was fixed in the scale of Rs. 5,500–9,000

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with effect from 01.01.1996 and the corresponding replacement scale of Rs. 9,300–34,800 with effect from 01.01.2006.

23. The constitutional validity of the 2012 Amendment Act was challenged before this Court in a batch of writ petitions, being the lead case, CWJC No. 7644 of 2013 and analogous cases. The challenge was rejected by judgment and order dated 06.01.2014, whereby the amendment was upheld as constitutionally valid.

24. Aggrieved by the aforesaid judgment, the petitioners and similarly situated persons approached the Hon'ble Supreme Court by filing SLP (C) Nos. 9234–9237 of 2014, titled Durga Prasad Singh and Others v. State of Bihar and Others. The said special leave petitions were converted into Civil Appeal Nos. 6178–6181 of 2015 and were disposed of by judgment dated 27.02.2017.

25. While declining to grant benefits inconsistent with the impugned amendment, the Hon'ble Supreme Court issued a specific protective direction concerning the existing status, rank and pay of the appellants. The relevant portion of the judgment reads as follows:

> *"We, however, make it clear that the present status, rank and pay of the appellants*

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will not be disturbed. If any Lab Assistant has been given designation of demonstrator, which he continues to hold till date, it will not be withdrawn. They will not be entitled to any further benefits in conflict with the impugned Act."

26. In the wake of the aforesaid judgment, the Government of Bihar issued letters bearing Nos. 1301 dated 06.07.2017 and 1616 dated 01.09.2017. Although the State Government acknowledged that the existing status, rank and pay of designated Demonstrators were not to be disturbed to their detriment and that the designation of Demonstrator conferred upon a Laboratory Assistant was not to be withdrawn, the consequential treatment accorded to the petitioners had the effect, according to them, of reducing their status and pay.

27. In particular, the petitioners contend that they were treated as members of the non-teaching staff and that their pay was reduced from the Demonstrator's scale of Rs. 8,000–13,500, applicable with effect from 01.01.1996, to the Laboratory Assistant's scale of Rs. 5,500–9,000. Consequentially, the replacement pay scale applicable to Demonstrators, namely Rs. 15,600–39,100 with effect from 01.01.2006, was also reduced to the corresponding scale of Rs.

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9,300–34,800 applicable to Laboratory Assistants.

28. Subsequently, vide letter No. 141 dated 01.02.2018, the State Government, with reference to its earlier letter No. 1616 dated 01.09.2017, directed the Vice-Chancellors of the universities in Bihar to furnish a list confined to those persons who had been appointed as Demonstrators against substantive sanctioned posts on a regular basis on or before 18.09.1975, against posts sanctioned prior to 01.01.1973.

29. The petitioners assailed the aforesaid communications on the ground that the criteria prescribed therein effectively exclude them, as well as other similarly situated persons, from consideration for determination and protection of their status, rank and pay as Demonstrators. Thus, the principal grievance of the petitioners is directed against the aforesaid communications dated 06.07.2017, 01.09.2017 and 01.02.2018, which, according to them, have resulted in the withdrawal of the financial benefits attached to their existing designation, notwithstanding the protective directions issued by the Hon'ble Supreme Court in ***Durga Prasad Singh*** *(supra)*. The petitioners maintain that, while the 2012 Amendment Act may restrict the grant of further benefits inconsistent with its provisions, it does not authorise the State Government to disturb

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the status, rank and pay expressly protected by the judgment dated 27.02.2017.

30. Mr. Abhinav Srivastava, learned Senior Advocate appearing on behalf of the petitioners, submitted that the petitioners had been duly appointed as Laboratory Assistants, Laboratory In-charges or Technicians in various colleges across the State of Bihar during the period between 1976 and 1991. Upon their subsequent redesignation as Demonstrators, they acquired a corresponding status, rank and entitlement to pay, which, according to learned Senior Counsel, stood recognised and protected by the judgment dated 27.02.2017 passed by the Hon'ble Supreme Court in ***Durga Prasad Singh*** (*supra*). It is contended that the protection expressly extended by the Hon'ble Supreme Court to the existing status, rank and pay of the appellants could not be rendered nugatory by the impugned governmental communications.

31. Learned Senior Advocate emphasised that the petitioners' status, rank and pay, as obtaining on the date of the aforesaid judgment, were not liable to be disturbed to their detriment. He further submitted that the petitioners had been granted the corresponding benefits pursuant to the earlier judgment and order dated 22.07.2002 passed in ***Civil Appeal***

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Nos. 4215–4216 of 2002, State of Bihar and Another v. Radha Krishna Jha and Others.

32. According to learned Senior Advocate, the impugned action of the State Government, whereby the petitioners' status, rank and pay were downgraded, would cause serious and irreparable prejudice to their service rights, including their entitlement to pensionary benefits. It is argued that an employee's entitlement to pension, in accordance with the rules applicable on the date of retirement, constitutes an accrued right and cannot be retrospectively curtailed by a subsequent amendment to the applicable rules, particularly after the lapse of several decades.

33. In support of the aforesaid proposition, reliance has been placed upon the three-Judge Bench decision of the Hon'ble Supreme Court in ***Salabuddin Mohd. Yunus v. State of Andhra Pradesh, 1984 Supp SCC 399***.

34. Learned Senior Advocate further contended that the impugned orders bearing Nos. 1616 dated 01.09.2017 and 141 dated 01.02.2018 were contrary to the protective directions issued by the Hon'ble Supreme Court in ***Durga Prasad Singh*** (*supra*). According to him, the direction that the existing status, rank and pay of the appellants would not be disturbed, coupled

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with the clarification that the designation of Demonstrator, once conferred upon a Laboratory Assistant and continued till the date of judgment, would not be withdrawn, was intended to preserve the existing position of the persons covered by the protection. It is submitted that the State Government could not, under the guise of implementing the Bihar State Universities (Amendment and Validation) Act, 2012, achieve indirectly what the Hon'ble Supreme Court had expressly prohibited it from doing directly. The impugned action, according to learned Senior Counsel, not only undermined the aforesaid judicial protection but also unsettled the service position which had subsisted for years pursuant to the decisions of the competent authorities and the consequential fixation of pay.

35. Advancing his submissions further, Mr. Srivastava invoked the doctrines of promissory estoppel, estoppel by conduct and legitimate expectation, besides the principles of reasonableness, fairness and natural justice. It was submitted that the State Government itself had issued letters bearing Nos. 1115 dated 14.06.2006, 1456 dated 01.08.2006 and 1261 dated 09.06.2008, pursuant to which eligible Laboratory Assistants, Laboratory In-charges, Technicians and Technical Assistants were redesignated as Demonstrators and corresponding pay

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benefits were extended to them.

36. According to learned Senior Advocate, having taken a conscious policy decision to redesignate the eligible employees and having implemented the same through the competent authorities, the State Government could not subsequently withdraw or substantially curtail the benefits so extended in an arbitrary manner, particularly when the redesignation had been effected in the backdrop of the earlier judicial pronouncements, including the judgment in ***Radha Krishna Jha*** (*supra*).

37. It is further contended that the impugned action was violative of Article 14 of the Constitution of India, inasmuch as it resulted in hostile discrimination between similarly situated employees. Several erstwhile Laboratory Assistants, Laboratory In-charges and Technical Assistants, who had been redesignated as Demonstrators prior to 05.10.1991, had subsequently been promoted to the posts of Lecturer/Assistant Professor or Reader/Associate Professor and had continued to enjoy the corresponding status, rank and pay.

38. In contrast, the petitioners, who claimed to have been appointed against substantive sanctioned posts and subsequently redesignated and confirmed as Demonstrators, had

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been treated as non-teaching staff and their status, rank and pay had been downgraded. This, according to learned Senior Advocate, is despite the fact that the petitioners had been granted the relevant pay scales and their corresponding replacement scales under governmental communications duly implemented by the respective universities.

39. Drawing the attention of the Court to the decisions rendered by this Court in the cases of ***Dr. Abdul Qudoos Ansari v. Magadh University and Others***, decided on 06.09.2018 in **CWJC No. 20397 of 2014**, and ***Dr. Suresh Prasad Yadav v. State of Bihar and Others***, decided on 11.09.2018 in ***CWJC No. 15211 of 2012***, learned Senior Advocate submitted that the rights of similarly situated employees, who had been redesignated as Demonstrators prior to the cut-off date, had received judicial consideration in the context of their entitlement to promotion to higher teaching posts.

40. It is argued that the aforesaid decisions recognised the entitlement of eligible employees, redesignated as Demonstrators, to be considered for promotion to the posts of Lecturer/Assistant Professor, Reader/Associate Professor and Professor, in accordance with the applicable statutory provisions and university statutes. According to learned Senior Advocate,

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the exclusion of Demonstrators from the definition of "teacher" under the 2012 Amendment Act could not be applied so as to nullify the rights and benefits already recognised in favour of persons whose service position had been established prior to 05.10.1991.

41. With particular reference to ***Dr. Suresh Prasad Yadav*** (*supra*), it is submitted that this Court had allowed the writ petition of a similarly situated Laboratory Assistant, who had been redesignated as Demonstrator and sought promotion to the post of Lecturer and thereafter to the post of Reader. Learned Senior Advocate submitted that this Court had specifically noticed that the 2012 Amendment Act could not be invoked to withdraw a promotion already granted by notification dated 29.06.2011 and had consequently held the reversion in question to be unsustainable.

42. It is further pointed out that the judgment rendered in ***Dr. Suresh Prasad Yadav*** (*supra*) was affirmed by the learned Division Bench in LPA No. 1706 of 2018 and the Special Leave Petition preferred against the said decision was also dismissed vide order dated 06.03.2020 in SLP (C) Diary No. 1935 of 2020.

43. On the strength of the aforesaid decisions, learned Senior Advocate submitted that the State Government could not

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selectively deny the petitioners the protection of their existing service status and pay while similarly situated employees continued to enjoy the benefits attached to their redesignation and subsequent promotions.

44. Mr. Srivastava, also drew the attention of the Court to the position prevailing in the State of Jharkhand, where, according to him, similarly situated Demonstrators had continued to enjoy the benefits attached to their designation without any corresponding disturbance of their status, rank or pay. In this regard, reliance has been placed upon the letter dated 13.04.2012 issued by the Jharkhand Public Service Commission to the Registrar of Vinoba Bhave University. The treatment accorded to similarly situated employees in Jharkhand, where the corresponding statutory framework was stated to be materially similar, further demonstrated the arbitrary and discriminatory nature of the action impugned in the present proceedings.

45. Referring to the Bench decision of this Court in ***Laliteshwar Mishra v. State of Bihar***, decided in ***CWJC No. 1377 of 2010 and analogous cases***, Mr. Srivastava submitted that the controversy concerning Laboratory Assistants, Laboratory Technicians, Laboratory In-charges and Laboratory

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Instructors working in various universities had arisen in the backdrop of the decision taken by the State Cabinet on 06.06.2006 to redesignate eligible personnel as Demonstrators, in the light of the relevant judicial pronouncements.

46. It is contended that, in the aforesaid proceedings, this Court had examined the validity of Memo No. 12 dated 18.12.2008 and similar communications seeking to undo the consequences of the earlier redesignation decision and had found the impugned action unsustainable. According to learned Senior Advocate, the effect of the aforesaid decision was that employees who had been redesignated as Demonstrators and had thereafter obtained promotions to the posts of Lecturer or Reader, as the case might be, under the applicable university statutes or otherwise, could not be reverted or deprived of the corresponding remuneration by an executive decision contrary to the governing legal position.

47. Learned Senior Advocate further referred to the proceedings in CWJC No. 2002 of 2010, one of the analogous matters considered along with ***Laliteshwar Mishra*** (*supra*), and the subsequent appeal preferred by the State of Bihar in LPA No. 981 of 2011, wherein the learned Division Bench had categorically observed that, once the Government of Bihar had

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taken a conscious decision on 14.06.2006 to redesignate Graduate Laboratory Assistants, Junior Laboratory Assistants, Laboratory In-charges, Lab Technicians, Laboratory Assistants, Technical Assistants and similarly situated personnel working in the laboratories of constituent colleges as Demonstrators, the employees so redesignated would be entitled to the benefits attached to the post of Demonstrator.

48. Learned Senior Advocate emphasised that the expression “all benefits” was not confined merely to the nomenclature of the post or the corresponding pay scale, but also encompassed the right to be considered for promotion in accordance with the relevant university statutes. The learned Division Bench had upheld the claim of the writ petitioners on that basis.

49. On the basis of the aforesaid submissions and judicial precedents, Mr. Srivastava urged that the impugned orders were liable to be set aside. According to him, their continued operation would not only be inconsistent with the protective directions issued by the Hon’ble Supreme Court in ***Durga Prasad Singh*** (*supra*), but would also unsettle an established service position and result in an arbitrary reduction of the petitioners’ status, rank and pay. The impugned action

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would place the petitioners at an unjustified disadvantage vis-à-vis similarly situated employees who continued to enjoy the benefits of redesignation and subsequent promotions, as illustrated by the decisions in ***Dr. Abdul Qudoos Ansari*** (*supra*) and ***Dr. Suresh Prasad Yadav*** (*supra*). Learned Senior Advocate accordingly prayed that the impugned orders be quashed and the petitioners' existing status, rank and pay be protected in accordance with law.

50. The learned Advocate(s) appearing for the intervenor-applicants, whose applications for intervention had been allowed by separate orders of this Court, adopted the submissions advanced on behalf of the petitioners. Mr. Purushottam Kumar Jha, further submitted that the intervenor-applicants were similarly situated, inasmuch as their appointments and subsequent redesignation as Demonstrators had taken place prior to 05.10.1991. According to learned Advocate, they had also been granted promotions and other consequential benefits on the basis of their designation and the applicable university provisions. It is contended that the State Government had denied the redesignated Demonstrators working in universities in Bihar the pay scales duly sanctioned for the post, notwithstanding the protective directions contained

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in the judgment dated 27.02.2017 passed by the Hon'ble Supreme Court in ***Durga Prasad Singh*** (supra). Such action was contrary to the governing judicial directions and warranted interference by this Court.

51. Learned Advocate for the intervenor-applicants further disputed the stand of the State respondents that the post of Demonstrator in the universities of Bihar had been abolished w.e.f. 01.01.1975 vide Letter No. 1216 dated 18.09.1975. Notwithstanding the issuance of the aforesaid communication, the alleged decision to abolish the post of Demonstrator had never, in fact, been implemented by the State Government. Learned Advocate relied upon subsequent governmental communications and decisions, pursuant to which various laboratory personnel were redesignated as Demonstrators, to contend that the State itself had continued to recognise and act upon the designation. Accordingly, it is urged that the State could not rely upon the aforesaid letter as an absolute bar to the claims of the intervenor-applicants, particularly when subsequent executive action and the treatment accorded to the concerned employees demonstrated that the decision had not been implemented in the manner now asserted by the State.

52. *Per contra*, Mr. S.D. Sanjay, learned Advocate

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General appearing on behalf of the State, opposed the writ petition and submitted that the same was liable to be dismissed, *inter alia*, on the ground of non-joinder of necessary parties. It is contended that the respective universities were indispensable parties to the proceedings, since the petitioners were employees of those universities and any direction concerning their designation, pay fixation, service status or consequential benefits would necessarily have to be implemented by the concerned university authorities. In the absence of the universities concerned, no effective or binding adjudication could be made in respect of the reliefs claimed by the petitioners. He accordingly urged that the writ petition was liable to be rejected on this preliminary ground.

53. Addressing the merits of the controversy, learned Senior Advocate took the Court through the judgment of the Hon'ble Supreme Court in ***Durga Prasad Singh*** (*supra*) and contended that the protection granted therein was confined to the appellants before the Hon'ble Supreme Court and could not be extended indiscriminately to all persons claiming to be similarly situated. According to learned Advocate General, the direction that the existing status, rank and pay of the appellants would not be disturbed was expressly limited to the parties to

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that litigation. The judgment, therefore, could not be construed as conferring a general right in rem upon every person who had, at some point, been redesignated as a Demonstrator. It is further submitted that the Hon'ble Supreme Court had expressly clarified that the appellants would not be entitled to any further benefits inconsistent with the impugned Amendment Act. The aforesaid qualification was material and could not be rendered otiose by an expansive interpretation of the preceding protective direction.

54. In support of his submissions concerning the legal effect of orders passed by the Hon'ble Supreme Court in special leave proceedings, learned Advocate General placed reliance upon ***Kunhayammed v. State of Kerala, (2000) 6 SCC 359***.

55. Learned Advocate General further submitted that the judgment of the Hon'ble Supreme Court in ***Durga Prasad Singh*** (*supra*) had to be read in conjunction with the judgment of this Court upholding the constitutional validity of the Bihar State Universities (Amendment and Validation) Act, 2012. It is contended that the constitutional validity of the amendment, including its retrospective operation w.e.f. 05.10.1991, had been upheld. The amendment, according to the State, brought the statutory definition of "teacher" into conformity with the

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applicable UGC Regulations, which did not include Demonstrators within the relevant category of teaching staff. The protective direction in ***Durga Prasad Singh*** (*supra*) could not be interpreted so as to nullify the effect of the Amendment Act or restore, as a matter of general principle, the status of teacher to persons whom the amended statutory definition excluded from that category.

56. It is argued that the protection afforded by the Hon'ble Supreme Court was essentially preservative in nature. The direction that the designation of Demonstrator would not be withdrawn in the case of an appellant who continued to hold that designation was, according to the State, intended to prevent the withdrawal of the existing designation and not to confer additional service benefits inconsistent with the amended law.

57. Learned Advocate General accordingly submitted that the expression "status, rank and pay" had to be construed in the context of the judgment as a whole and in a manner consistent with the constitutional validity of the 2012 Amendment Act.

58. Developing the aforesaid argument, learned Advocate General contended that the expressions "status", "rank" and "pay" could not be interpreted in isolation from the

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statutory framework governing the service conditions of the petitioners.

59. Placing reliance upon ***Roshan Lal Tandon and Another v. Union of India, 1967 SCC OnLine SC 70***, learned Advocate General, submitted that the service relationship of a government servant is governed by the applicable statutory rules and that the terms of such service may, subject to constitutional and statutory limitations, be altered unilaterally by the competent authority. It is argued that the designation of Demonstrator, by itself, could not be treated as conclusively establishing the petitioners' entitlement to all the incidents of service attached to teaching posts, particularly where the statutory definition of "teacher" had subsequently been amended with retrospective effect.

60. According to learned Advocate General, the expression "status" referred to the legal relationship comprising rights and obligations under public law, whereas the designation of Demonstrator could, at best, be associated with the rank or nomenclature of the post. The protection of a designation, therefore, could not automatically be construed as a guarantee of every financial or promotional benefit associated with the category of teaching staff. The amended statutory framework

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preserved a limited class of Demonstrators who satisfied the conditions prescribed under the applicable provisions, including the relevant cut-off dates concerning appointment and sanction of posts. It is contended that the distinction between persons appointed prior to 18.09.1975 against posts sanctioned before 01.01.1973 and those appointed thereafter was material to the applicability of the statutory exception. According to the State, the petitioners did not satisfy the aforesaid eligibility conditions and, therefore, could not claim the benefit of the exception merely on the ground that they had been redesignated as Demonstrators before 05.10.1991. The retrospective operation of the 2012 Amendment Act had to be given effect in accordance with its terms and that the petitioners could not claim a status inconsistent with the amended statutory definition.

61. With regard to the decisions rendered by the State of Jharkhand, learned Advocate General submitted that the treatment accorded to Demonstrators in another State could not determine the petitioners' entitlement under the statutory framework applicable in Bihar. Even if the UGC policy was common, the extension of service benefits to Demonstrators depended upon the applicable statutory provisions,

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governmental decisions and service rules. The grant of such benefits by the State of Jharkhand, therefore, could not, by itself, establish a universal entitlement to be treated as members of the teaching staff or to receive all benefits attached to teaching posts in Bihar. It is also contended that none of the petitioners had been appointed prior to 18.09.1975 against posts sanctioned before 01.01.1973, with the requisite concurrence of the Bihar Public Service Commission or the Bihar State University Service Commission, so as to fall within the exception relied upon by them.

62. According to the State, the impugned orders had been issued in implementation of the 2012 Amendment Act and the subsequent governmental instructions governing the fixation of pay of persons who did not fall within the protected category.

63. In this regard, learned Advocate General relied upon Letter No. 1893 dated 22.10.2013, which, according to him, prescribed the pay scale of Rs. 5,500–9,000 w.e.f. 01.01.1996 and the corresponding replacement pay scale of Rs. 9,300–34,800, with Grade Pay of Rs. 4,200, w.e.f. 01.04.2007, for the categories of employees specified therein, subject to the applicable eligibility conditions concerning appointment against sanctioned posts and possession of the requisite graduate

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qualification in the concerned subject. It is, therefore, submitted that the petitioners' entitlement to pay had to be determined in accordance with the governing statutory provisions and the applicable governmental instructions, rather than on the basis of the designation of Demonstrator alone.

64. Referring to the judgment dated 11.09.2018 passed in ***Dr. Suresh Prasad Yadav*** (*supra*), learned Advocate General submitted that the said decision was distinguishable on facts. According to him, the sole petitioner in that case had been appointed on 15.09.1975, whereas the statutory exception relied upon by the petitioners in the present case was confined to persons satisfying the prescribed appointment cut-off date of 18.09.1975 and the other applicable conditions. None of the petitioners in the present proceedings had been appointed prior to 18.09.1975 and consequently, the aforesaid decision could not be relied upon to extend the benefit of the statutory exception to them. The judgment dated 06.09.2018 passed in ***Dr. Abdul Qudoos Ansari*** (*supra*) did not support the petitioners' claim to the extent asserted, since, according to the State, the matter had been remitted to the concerned university for consideration and no unconditional mandamus granting the substantive relief claimed by the petitioners had been issued therein.

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65. Learned Advocate General reiterated that the principles governing the legal relationship between an employer and an employee under public law had been explained by the Hon'ble Supreme Court in ***Roshan Lal Tandon*** (*supra*). In this regard, he relied upon the following proposition concerning the concept of status:

> *"The hallmark of status is the attachment to a legal relationship of rights and duties imposed by the public law and not by mere agreement of the parties."*

66. On the strength of the aforesaid principle, it is argued that the petitioners' service status and the incidents attached thereto had to be determined in accordance with the governing statutory provisions and could not be enlarged beyond the scope of the applicable law merely by reference to earlier administrative decisions or the nomenclature of the post.

67. Answering the claims advanced by the intervenor-applicants, learned Advocate General submitted that persons who had neither been granted the designation of Demonstrator nor received the corresponding pay benefits, and who did not otherwise fall within the protection recognised in ***Durga Prasad Singh*** (*supra*), could not claim parity with the appellants in that case. The claims raised by the intervenor-applicants were stale

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and ought not to be entertained at this stage, particularly in the absence of any legally enforceable entitlement to the reliefs claimed.

68. On the aforesaid grounds, and for the reasons set out in the counter-affidavit and the submissions advanced, learned Advocate General prayed for dismissal of the writ petition.

69. After having carefully considered the submissions advanced on behalf of the respective parties and the materials available on record, the principal issue that arises for consideration is whether the impugned orders bearing Nos. 1301 dated 06.07.2017, 1616 dated 01.09.2017 and 141 dated 01.02.2018, issued by the respondent-State, impermissibly disturb the status, rank and pay protected by the judgment and order dated 27.02.2017 passed by the Hon'ble Supreme Court in ***Durga Prasad Singh*** *(supra)*, having regard also to the judgment in ***Radha Krishna Jha*** *(supra)*, the relevant provisions of the Bihar Universities Act, 1960 and the Bihar State Universities Act, 1976, and the subsequent amendment brought about in the year 2012.

70. At the outset, it is appropriate to deal with the preliminary objection raised on behalf of the State regarding

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non-joinder of the universities concerned. The impugned communications have been issued by the State respondents, who are already parties to the present proceedings. The universities, insofar as the relief sought is concerned, would principally be required to implement any directions issued by the State. Their presence may assist the Court in arriving at a complete and effective adjudication; however, on the facts of the present case, they cannot be treated as indispensable parties whose absence, by itself, would render the writ petition not maintainable. A proper party is one whose presence may enable the Court to effectually and completely adjudicate upon the questions involved, whereas a necessary party is one in whose absence no effective order can be passed. The preliminary objection raised by the learned Advocate General is, accordingly, overruled.

71. The plea regarding stale claim also does not persuade the Court, as some of the petitioners acknowledging non compliance with the order dated 27.02.2017 passed in Civil Appeal No.6178-6181 of 2015 [***Durga Prasad Singh*** (*supra*)], preferred Contempt Petition Civil No.2116-2119 of 2018, which stood dismissed vide order dated 05.04.2019 by the Hon'ble Apex Court. Thereupon, an application for recall bearing M.A. No.246 of 2020 was filed, which was converted into Review

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Petitions No.769-799 of 2021; and finally those Review Petitions were dismissed granting liberty to the petitioners to avail alternative remedy as permitted in law, vide order dated 02.05.2023. The facts clearly demonstrates that the petitioners and others were bonafidely pursuing their legal remedies.

72. It is not in dispute that the impugned communications were issued in the backdrop of the Bihar State Universities (Amendment and Validation) Act, 2012 and the judgment and order dated 27.02.2017 passed by the Hon'ble Supreme Court in ***Durga Prasad Singh*** *(supra)*. The controversy must, therefore, be examined by reading the amended statutory provisions together with the judgments which considered their validity and effect, rather than by considering any one provision or direction in isolation.

73. The object of the 2012 Amendment Act was to remove the perceived ambiguity in the definition of "teacher" under the Bihar State Universities Act, 1976 and to bring that definition in conformity with the standards and regulations of the University Grants Commission. The Legislature proceeded on the basis that the earlier, broadly worded definition had enabled certain non-teaching laboratory personnel to be treated as teachers despite not being appointed to sanctioned teaching

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posts in accordance with the applicable statutory framework. The amendment consequently narrowed the definition of "teacher" and provided a specific saving for Demonstrators appointed before 18.09.1975 against posts sanctioned before 01.01.1973, with the concurrence of the Bihar Public Service Commission or the Bihar State University Service Commission. The relevant amended provisions of Section 2(v) and Section 3 of the Act, as reproduced in the material placed before this Court, read as follows:

> *"**2**. Amendment in Section-2 of the Bihar Act-23, 1976-Clause (v) of section-2 shall be substituted by the following-*
>
> *"(v) "Teacher" means person holding the post of only University Professor/Professor, Reader, and Lecturer and such sanctioned posts in the teacher's grade on the basis of regulations issued by the UGC from time to time,*
>
> *Provided, that notwithstanding the said substitution in Section-2(v), the action taken in respect of working Demonstrators appointed before 18-09-1975 on the post sanctioned before 01-01-1973 with the concurrence of Bihar Public Service Commission or Bihar State University Service Commission shall not be affected by this substitution.*

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> ***3***. *Overriding effect of the Act- Notwithstanding anything contained contrary in this Act of any other Act Ordinances, Rules or decision of judgment of decree of any court the provisions of this Act shall have overriding effect."*

74. The constitutional validity of the 2012 Amendment Act was considered by the Division Bench of this Court in ***CWJC No. 4395 of 2013, Akhauri Bijay Prakash Sinha & Ors. v. State of Bihar & Ors.,*** *along with analogous writ petitions*. The challenge was founded, *inter alia*, on the contention that the amendment retrospectively took away rights said to have accrued to laboratory assistants under earlier executive instructions and judicial pronouncements. The Division Bench rejected that challenge and held that laboratory assistants had no vested right, merely by reason of the earlier broad statutory definition or administrative instructions, to be upgraded as Demonstrators or treated as teachers. It further held that the Legislature was competent to align the definition of "teacher" with the UGC Regulations and that the retrospective operation of the amendment did not, in the circumstances considered, render the enactment unconstitutional. The relevant observations of the learned Division Bench, as reproduced in the material supplied, are retained below:

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"19. Flows from the above referred definition of teacher in Clause (v) of Section 2 of the Universities Act, the claim of the Laboratory Assistants that they do possess the higher qualification required for appointment as Lecturer and that they do conduct classes. Therefore, Laboratory Assistants also are the teachers within the meaning of the above referred Section 2(v) of the Universities Act and a similar definition under the Patna University Act, 1976 and certain judgments delivered by the Patna High Court and the Patna High Court (Ranchi Bench) in the writ petitions, the Letters Patent Appeals and also of the Hon"ble Supreme Court. The reliance is also placed on the Circular dated 1st April 1969 issued by the University Service Commission of Bihar in respect of absorption of Demonstrators of affiliated colleges. Under the said Circular, the University Service Commission issued directions/clarifications to the governing bodies of the affiliated colleges. Although the said direction/clairification was issued ostensibly in respect of the Demonstrators in the colleges, in fact, it issued direction in respect of Graduate Laboratory Assistants for appointment as Demonstrators in the affiliated colleges. It appears that it was under the said Circular that the Graduate Laboratory Assistants were re-designated or were appointed as Demonstrators

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who have approached this Court time and again to treat them as teachers under the recommendations made by the UGC and to appoint them as Lecturer, Reader and Professor in the hierarchy of teachers. The said Circular was followed by a detailed instructions issued by the University Service Commission on 26th July 1969 and 12th December 1969. Reliance is also placed on the Government letter dated 18th / 25th August 1972 indicating that the decision of the Chancellor to the effect that the Graduate Laboratory Assistants, if treated as teachers, all rights of teachers would flow to them and no restriction could be placed on such rights. To us, it appears that the claim of the Laboratory Assistants to be treated as teachers on the basis of the aforesaid instructions issued by the University Service Commission and the wide/vague definition of teacher incorporated in the Universities Act and the Patna University Act is totally misconceived. At first, we have our own doubts, whether the University Service Commission had authority to issue such direction. There is no material on record that the said decision was backed by a Government decision; second, in absence of detail enquiry of each individual, the Laboratory Assistants could not be treated as Teacher within the meaning of then prevalent Universities Act; third, no upgradation or redesignation could be

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made without the approval of the University Service Commission. Moreover, the Government of India while revising the pay scales of teachers had altogether different view reproduced hereinabove. Except the bare statement made in the writ petition, there is nothing on the record that the Laboratory Assistants before us are required to conduct classes as part of their regular duty. In our opinion, the claim made by the Laboratory Assistants has no legal force. The claim is contrary to the UGC Regulations, the Universities Act, the Patna Universities Act, 1976 and the Statutes.

20. Section 57 of the Universities Act provides for appointment of the teachers by the Vice Chancellors on recommendation of the Bihar State Universities (Constituent Colleges) Service Commission. The said Commission was enjoined to hold a qualifying test for appointment of Lecturers in the universities/constituent colleges/ affiliated colleges. A similar provision is made for appointment of teachers by Governing body of the colleges (private colleges affiliated to the universities) on recommendation of the College Service Commission. The College Service Commission is enjoined to make selection and make recommendation for appointment, dismissal and termination of teachers of

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> *affiliated colleges. Statute 7 also talks about appointment of Lecturer, Reader, and Professor in the colleges by selection and appointment. Any attempt to absorb the Laboratory Assistants as Lecturers, irrespective of the wide definition of the term "Teacher", would be in contravention of the above referred provisions of Sections 57 and 57A of the Universities act and the similar provision contained in Section 57 of the Patna University Act, 1976."*

75. The legal position emerging from the aforesaid judgment in ***Akhauri Bijay Prakash Sinha & Ors. v. State of Bihar & Ors.*** *(supra)* must be appreciated in the light of the historical and statutory framework governing the appointments of Laboratory Assistants, Demonstrators and teachers in the universities and colleges of the State. The claim for recognition as a Demonstrator or a teacher was, *inter alia*, founded upon the circular dated 01.04.1969 and the subsequent instructions dated 26.07.1969 and 12.12.1969 issued by the University Service Commission of Bihar, as well as the Government correspondence of August 1972. The Division Bench, however, expressed doubt regarding the authority of the Commission to issue such directions and noticed the absence of material demonstrating that the same were backed by a Government

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decision. It further observed that the prescribed qualifications and the recommendation of the competent Commission could not be dispensed with and that no upgradation or redesignation could lawfully be effected without following the applicable procedure. Consequently, neither the aforesaid executive instructions nor the mere assertion that Laboratory Assistants possessed higher qualifications or performed teaching duties could, by themselves, confer an enforceable right to be designated as Demonstrators or to be treated as teachers.

76. The subsequent developments in the regulatory framework reinforce the aforesaid position. The UGC directive, effective from 01.01.1973, restricted fresh appointments to the posts of Demonstrators and Tutors and contemplated the eventual abolition of such posts upon retirement or resignation, subject to the applicable scheme for eligible existing incumbents. The State of Bihar adopted the relevant restriction by its decision dated 18.09.1975. The pay-revision framework of 1986 also distinguished between recruitment to regular teaching posts, which was to be undertaken through the prescribed process of advertisement and selection on merit, and the revision of pay scales for existing Tutors and Demonstrators. The expression “existing incumbents only” in relation to the

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latter category cannot be construed as creating a general right in favour of persons belonging to other cadres to enter the teaching service. These developments indicate that the post of Demonstrator was governed by a restricted and transitional framework and did not constitute an unrestricted avenue for entry into the regular teaching cadre.

77. The statutory scheme governing appointments under the Bihar State Universities Act, 1976 and the corresponding provisions of the Patna University Act, 1976 must also be kept in view. Sections 57 and 57A of the Bihar State Universities Act, 1976, and the corresponding provision governing appointments under the Patna University Act, contemplate appointment to teaching posts through the prescribed selection process and the recommendation of the competent Service Commission. Likewise, Statutes 7 and 9 provide for recruitment to the specified teaching posts through the prescribed process of advertisement and selection, while Statute 11 contemplates consideration of eligible existing Demonstrators for appointment or promotion to the post of Lecturer, subject to its stipulated conditions, including the requisite qualifications and the prescribed period of continuous service. Such a limited provision cannot be enlarged to cover

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persons who do not satisfy its requirements. The UGC Regulations, 1991, which came into force on 05.10.1991, further formed the regulatory background against which the definition of "teacher" was subsequently amended. Read together, these provisions do not support the proposition that the performance of instructional duties, possession of academic qualifications or administrative redesignation, in the absence of compliance with the applicable statutory requirements, automatically confers the legal status of a teacher.

78. It was against this background that the Bihar State Universities (Amendment and Validation) Act, 2012 was enacted, with retrospective effect from 05.10.1991. The amendment narrowed the definition of "teacher" to the specified teaching posts and such sanctioned posts in the teachers' grade as are recognised under the applicable UGC Regulations, while incorporating a limited saving in respect of qualifying Demonstrators appointed before 18.09.1975 against posts sanctioned before 01.01.1973, with the concurrence of the Bihar Public Service Commission or the Bihar State University Service Commission. In ***Akhauri Bijay Prakash Sinha*** (*supra*), the constitutional challenge to the amendment was rejected. The legal distinction recognised therein is that, although the

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Legislature cannot simply command that a binding judicial decision be disregarded, it may, within its legislative competence, validly alter the underlying law, including retrospectively where constitutionally permissible, so as to change the legal basis on which an earlier decision proceeded. The retrospective operation of an enactment does not, by itself, render it unconstitutional in the absence of an impermissible infringement of a vested or accrued right or other constitutional infirmity. The amendment, having survived judicial scrutiny, must therefore be given effect in accordance with its terms.

79. The aforesaid statutory position must, however, be harmonised with the express protective direction issued by the Hon'ble Supreme Court in ***Durga Prasad Singh*** *(supra)*. While declining to interfere with the judgment upholding the 2012 Amendment Act, the Hon'ble Supreme Court observed:

> *"We, however, make it clear that the present status, rank and pay of the appellants will not be disturbed. If any Lab Assistant has been given designation of demonstrator, which he continues to hold till date, it will not be withdrawn. They will not be entitled to any further benefits in conflict with the impugned Act."*

The aforesaid direction preserves the existing status,

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rank and pay of the persons covered by it and expressly protects a designation of Demonstrator which continues to be held; at the same time, it prohibits the grant of further benefits inconsistent with the amended Act. The two parts of the direction must be read together and effect must be given to both. The protection cannot be rendered illusory by withdrawing a designation expressly protected by the Hon'ble Supreme Court; equally, it cannot be extended to confer the status of a teacher or benefits attached to a teaching post contrary to the amended statutory framework. The expression "status, rank and pay" must, therefore, be construed in the context of the protection actually granted and the legal position of the person claiming its benefit. The entitlement of the petitioners must accordingly be examined with reference to the impugned communications, the conditions of the statutory saving and the precise scope of the protection afforded by the judgment in ***Durga Prasad Singh*** *(supra)*.

80. The impugned communications must be assessed against this distinction. Letter No. 1301 dated 06.07.2017 and Letter No. 1616 dated 01.09.2017 were issued following the judgment in ***Durga Prasad Singh*** *(supra)*, and the latter communication directed that entitlement to pay be governed by Letter No. 1893 dated 22.10.2013. The said letter contemplated

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the pay scale of Rs. 5,500–9,000 with effect from 01.01.1996 and the corresponding replacement scale of Rs. 9,300–34,800, with Grade Pay of Rs. 4,200 from 01.04.2007, for the categories and employees satisfying the conditions specified therein, including appointment against sanctioned posts in accordance with the applicable norms and possession of the requisite graduate qualification in the concerned subject.

81. The statutory saving, on the other hand, applies to Demonstrators appointed before 18.09.1975 against posts sanctioned before 01.01.1973, with the concurrence of the Bihar Public Service Commission or the Bihar State University Service Commission. The record and submissions, as presented, indicate that the petitioners do not satisfy the aforesaid cut-off conditions. Their redesignation as Demonstrators before 05.10.1991, by itself, does not bring them within the statutory exception. The Court must give effect both to the limited statutory saving and to the protective direction issued in ***Durga Prasad Singh*** *(supra)*, without conflating the two.

82. Mere nomenclature or classification of a person as a member of the teaching staff, or even the fact that such person falls within the definition of a ‘Teacher’, does not, by itself, confer an automatic entitlement to the rights, privileges and

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benefits attached to the post of a Teacher. Such entitlement can accrue only where the person claiming the status of a Teacher possesses the requisite qualifications and has been duly selected, appointed or absorbed in accordance with a legally valid process prescribed or recognised under the applicable statute or law. The mere performance of instructional duties, possession of academic qualifications, or administrative redesignation, in the absence of compliance with the applicable statutory requirements, cannot, as rightly observed, confer upon such a person the legal status of a ‘Teacher’.

83. The petitioners’ reliance on ***Dr. Suresh Prasad Yadav*** *(supra)* does not advance their case beyond the limits of that decision. As submitted and as appears from the material referred to before this Court, Dr. Suresh Prasad Yadav had been appointed on 15.09.1975 against a sanctioned vacant post of Demonstrator, before the cut-off date of 18.09.1975. His case thus fell within the statutory saving, and the decision granting him the status and benefits of Lecturer was rendered in that factual and statutory context. The petitioners in the present proceedings have not established that they satisfy the same conditions. The said judgment, therefore, cannot be treated as authority for extending the statutory exception to persons who

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do not meet its express requirements.

84. Likewise, in ***Dr. Abdul Quddus Ansari*** *(supra),* the matter was remitted to the concerned University for a final decision in the light of the observations made therein. No material has been brought on record to establish what consequential benefits, if any, were extended following such reconsideration. In the absence of that material, the said case does not establish an unconditional entitlement to the relief sought in the present writ petition.

85. The reliance placed on ***Radha Krishna Jha*** *(supra)*, the earlier provisions of the Bihar Universities Act, 1960 and the Bihar State Universities Act, 1976, and the UGC circular dated 06.01.1973 must also be considered in the light of the later legislative amendment and the judicial pronouncements upholding it. Those earlier instruments cannot be read as overriding the valid and subsequently enacted statutory definition. Nor can the doctrine of parity, including reference to the treatment of employees in the State of Jharkhand, by itself create an entitlement contrary to the applicable statutory provisions in Bihar.

86. The State has also relied on the principle stated in ***Roshan Lal Tandon*** *(supra)*, concerning the legal nature of

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status in public service. The relevant proposition, as reproduced in the supplied judgment, is retained verbatim:

> "The hallmark of status is the attachment to a legal relationship of rights and duties imposed by the public law and not by mere agreement of the parties."

87. The aforesaid principle reinforces the conclusion that the petitioners' rights must be determined by reference to the governing statute and the binding judicial directions. Administrative decisions or the designation of a post cannot independently enlarge those rights beyond the limits imposed by the applicable law. Equally, the State remains bound to honour the protection expressly granted by the Hon'ble Supreme Court in respect of the existing designation, status, rank and pay covered by that direction.

88. The further contention that the post of Demonstrator had been ordered to be abolished by Letter No. 1216 dated 18.09.1975 and Letter No. 1789 dated 26.08.1979 does not alter the governing legal position. The legal effect of any subsequent redesignation must be examined in accordance with the applicable statute and the decisions in ***Akhauri Bijay Prakash Sinha*** *(supra)* and ***Durga Prasad Singh*** *(supra)*. An administrative departure from the governing statutory scheme

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cannot, by itself, confer an indefeasible right to be treated as a teacher. The relevant extract from ***Akhauri Bijay Prakash Sinha*** *(supra)* is the one reproduced above and is to remain in the form in which it appears in the supplied text.

89. On a cumulative consideration of the statutory framework, the judgments referred to above and the rival submissions, this Court is of the view that the expression "status, rank and pay" in the protective direction issued in ***Durga Prasad Singh*** *(supra)* must be construed consistently with the ratio of the judgment upholding the constitutional validity of the 2012 Amendment Act. The direction protects the existing designation of Demonstrator and the status, rank and pay attached to that designation, where the claimant establishes entitlement to such protection; it does not confer the status of "teacher" or the benefits exclusively attached to teaching posts under the amended Act.

90. Consequently, a person whose designation as Demonstrator continues to be protected by the judgment of the Hon'ble Supreme Court cannot have that designation withdrawn contrary to the express direction. However, such protection does not entitle that person to claim a higher status or additional benefits inconsistent with the 2012 Amendment Act. The

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petitioners have not established that they fall within the statutory saving or the relief claimed can be granted without extending the protection in ***Durga Prasad Singh*** *(supra)* beyond its terms. Thus, in the considered opinion of this Court, the petitioners, who are claiming themselves as redesignated Demonstrator, shall be entitled to the status, rank and pay of Demonstrator, as is extended to them under the impugned letters and not at par with the Teachers, inconsistent to the provisions of 2012 Amendment Act.

91. For the foregoing reasons, this Court finds no merit in the writ petition. The writ petition is accordingly dismissed.

92. There shall be no order as to cost(s).

(Harish Kumar, J)

rohit/-

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