



मगध विश्वविद्यालय शिक्षकेत्तर कर्मचारी संघ

बोधगया (बिहार)

(बिहार राज्य विश्वविद्यालय कर्मचारी महासंघ से सम्बद्ध)

पत्रांक MUNTEA/A/2022

दिनांक 07/11/2022

सेवा में,

माननीय कुलपति जी,
मगध विश्वविद्यालय, बोधगया।


विषय:- माननीय उच्च न्यायालय के आदेश के आलोक में श्री अमितेश प्रकाश, सहायक एवं अन्य तीन कर्मियों का वेतन भुगतान अविलम्ब शुरू किये जाने ससम्मान स्थानान्तरण रद्द एवं तत्कालीन कुलपति के द्वारा किये समझौते को लागू करने के संबंध में, अन्यथा बाध्य होकर दिनांक 10.11.2022 से आमरण अनशन के संबंध में।

महाशय,

विनम्रता के साथ उल्लेख करना है कि CWJC No.- 10970/2022 में माननीय उच्च न्यायालय के न्यायादेश के आलोक में श्री अमितेश प्रकाश, सहायक-सह-अध्यक्ष, शिक्षकेत्तर कर्मचारी संघ एवं अन्य तीन कर्मियों का वेतन भुगतान अविलम्ब शुरू किया जाये (आदेश की प्रति संलग्न), तथा ससम्मान हमारे माननीय अध्यक्ष के स्थानान्तरण आदेश को रद्द किये जाने एवं तत्कालीन माननीय कुलपति के द्वारा किये गये समझौते को लागू किया जाए। अन्यथा बाध्य होकर दिनांक 10.11.2022 से संघ के द्वारा आमरण अनशन की घोषणा की जाती है।


अध्यक्ष

शिक्षकेत्तर कर्मचारी संघ।


महासचिव

शिक्षकेत्तर कर्मचारी संघ।

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. कुलसचिव, मगध विश्वविद्यालय, बोधगया।
2. कुलानुशासक, मगध विश्वविद्यालय, बोधगया।
3. जिलाधिकारी, गया।
4. वरीय आरक्षी अधीक्षक, गया।
5. अनुमण्डल पदाधिकारी, गया।
6. थाना प्रभारी, मगध विश्वविद्यालय, बोधगया।


अध्यक्ष

शिक्षकेत्तर कर्मचारी संघ।


महासचिव

शिक्षकेत्तर कर्मचारी संघ।

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10970 of 2022

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Amitesh Prakash S/o- Late Vijay Prakash Resident of- Qtr. No. D/29, M.U. Campus, Colour Quarter, Bodh Gaya, P.S.- Magadh University, District- Gaya.

... .. Petitioner/s

Versus

1. The Magadh University, Bodh Gaya through its Registrar.
2. The Vice Chancellor, Magadh University, Bodh Gaya.
3. The Registrar, Magadh University, Bodh Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ritesh Kumar, Adv.
For the University : Mr.Ajay, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 31-08-2022

1. Heard the parties.

2. Learned counsel for the petitioner submits that the petitioner has been transferred vide order dated 9th July, 2022 from the University to the Constituent College namely A.N.S. College, Navinagar. Although, the petitioner is on the cadre strength of University. He submits that the transfer is illegal and the respondents do not have any authority to transfer the employee of the University to a Constituent College.

3. It is further pointed that the recruitment for the staff and employees of the Constituent College is separately

non-teaching staff. It is further submitted that the statutes only provide for transferring an employee from one Unit/Department or establishment of the University to another, but not to a Constituent College.

4. Learned counsel relies on an order passed by this Court in C.W.J.C. No. 10176 of 2022 (Kanan Raju Vrs. The State of Bihar & Ors.), dated 28th July, 2022, wherein similar question was raised and a reliance was placed on Judgment reported in 2001 (4) PLJR 484 (Prashant Kumar Suman Vrs. The Vice Chancellor, L.N. Mithila University & Ors.). Learned counsel also relies on a Judgment passed by a Co-ordinate Bench in C.W.J.C. No. 13622 of 2010 (Rajendra Singh Vrs. Jay Prakash University, Chapra & Ors.), dated 06.09.2010, wherein such a transfer was quashed by the Co-ordinate Bench holding that there is no unified cadre of the employees of the University and Constituent College.

5. Learned counsel appearing for the University wants time to file his reply. However, he has taken this Court to the amendment made in the Statute dated 04.03.2014 to submit that as per Clause X (c) of the said regulations brought into force

control of the University. Learned counsel submits that the establishment under the control of University would also mean the Constituent College.

6. The matter to be examined. The reply may be filed.

7. In the meanwhile, till further orders the effect and operation of the order dated 9th July, 2022 shall remain stayed.

8. The petitioner shall be allowed to perform his duty at the place where he was working prior to passing of the order dated 09.07.2022 and it shall also be allowed to draw salary.

9. List this case after four weeks.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 5

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