

IN THE HIGH COURT OF JHARKHAND AT RANCHI**W.P. (S) No. 5091 of 2023**

Binod Kumar Rai, aged about 58 years, son of Late Parmeshwari Rai,
resident of village Baddiha, P.O. Mirzaganj, P.S. Jamua, District Giridih,
Jharkhand. **Petitioner**

Versus

1. **The State of Jharkhand**, through the Principal Secretary, Department of Higher & Technical Education, Project Bhawan, Dhurwa, P.O. and P.S. Dhurwa, District Ranchi.
2. **The Vinoba Bhave University**, through its Vice-Chancellor, Hazaribagh, P.O. and P.S. Hazaribagh, District Hazaribagh.
3. **The Vice-Chancellor, Vinoba Bhave University**, Hazaribagh, P.O. and P.S. Hazaribagh, District Hazaribagh.
4. **The Registrar, Vinoba Bhave University**, Hazaribagh, P.O. and P.S. Hazaribagh, District Hazaribagh.
5. **Langta Baba College**, through its Secretary, Ad-hoc Governing Body, Baba Gram, P.O. Mirzaganj, P.S. Jamua, District Giridih.
6. **The Principal, Langta Baba College**, Baba Gram, P.O. Mirzaganj, P.S. Jamua, District Giridih. **Respondents**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For Petitioner : Mrs. Shilpi Sandil Gadodia, Advocate
Mr. Anish Lal, Advocate
For Resp.-State : Mr. Anil Kr. Singh, A.C. to G.P.-I
For V.B. University : Dr. Ashok Kumar Singh, Advocate
For Resp. College : Mr. A.K. Sahani, Advocate.

CAV on: 03.07. 2026**Pronounced on:10.07.2026**

1. Heard learned counsel for the parties.
2. Petitioner filed the instant writ application for following reliefs:-

(i) For issuance of appropriate writ/order/direction for quashing/setting aside the order contained in Memo No. 1140 dated 05.04.2019 (Annexure-12), wherein although the Petitioner has been directed to be reinstated in service in the capacity of Lecturer, but, no further direction has been given to make payment of the consequential benefits including arrears of salary, seniority, etc. despite the fact that in the said impugned order, it has been itself held that the Petitioner has been illegally terminated from service.

(ii) For issuance of further writ/order/direction, including Writ of Mandamus, directing the Respondent-University and Respondent-College to pay salary of the Petitioner in the pay-scale which is being paid to similarly situated Lecturers in Respondent No.-5 College, especially because

Petitioner is the senior most Lecturer of the College including arrears of salary for the period Petitioner was illegally not allowed to discharge his duties.

(iii) For issuance of further writ/order/direction for quashing/setting aside the order contained in Memo No. 1140 dated 05.04.2019 to the extent observations have been made in the said order against the Petitioner disentitling the Petitioner for being appointed on the post of Principal In-charge for Respondent-Langta Baba College.

3. The present case has got a chequered history, where Petitioner has been compelled to knock the door of this Court for the 9th time. Facts of the case are as under.

4. Petitioner, initially, being founder Member of Langta Baba College, Baba Gram (for short 'the College') was appointed on the post of Lecturer in Political Science vide Appointment Letter dated 21.12.1989. The said College is an affiliated College of Vinoba Bhave University (a Deemed University).

5. Being the senior-most Lecturer of the College, Petitioner was made In-charge Principal, and, after death of Founder Secretary of the College namely, Shradha Nand Prasad, there was no Governing Body for proper management of the College and, accordingly, Vinoba Bhave University, vide its Notification dated 21.02.2002, constituted an Ad-hoc Committee for the College for its governance.

6. It is the case of Petitioner that being Principal in-charge of the College, he took steps for removal of irregularity/illegality prevailing in the College which led to resentment against him, and, Ad-hoc Committee vide its meeting dated 2nd September, 2002, removed the Petitioner from the post of Principal-cum-Professor In-charge of the College. Said decision was challenged by Petitioner by filing writ

petition being *W.P.(S) No. 5618 of 2002 (1st Petition)*, wherein this Court, vide order dated 22.11.2002, directed the Vice-Chancellor of Vinoba Bhave University, Hazaribagh to determine the question as to who was the senior-most teacher of the College and who should be the Professor In-charge of the College?

7. On 08.04.2003, Respondent-Vice Chancellor although recognized that Petitioner was senior-most teacher of the College, but still held that Petitioner was not entitled to be made Professor In charge in view of allegations levelled by Ad-hoc Committee against him. In the said order, Ad-hoc Committee itself was directed to investigate the charges levelled against the Petitioner.

8. Petitioner, being aggrieved by aforesaid decision, approached this Court by filing Writ Petition being *W.P.(S) No. 2462 of 2003 (2nd Petition)*, which was allowed by this Court vide order dated 06.07.2004 and direction given to Ad-hoc Committee to investigate into the matter was set aside and Respondent-Vice Chancellor was directed to determine the issue as to whether charges against Petitioner levelled by Ad-hoc Committee was correct or not. Consequent upon such order, admittedly Three-Men Committee was constituted by Vice-Chancellor and allegations levelled against Petitioner were not proved, but despite the same, Vice Chancellor did not pass order for restoring the Petitioner to his post of Professor In-charge, on the sole ground that the College was only an affiliated unit of the University and Ad-hoc Committee is competent authority to take decision on the charges levelled against the

Petitioner. Said order was passed on 05.03.2005, which was challenged in Writ Petition being *W.P.(S) No. 2445 of 2005 (3rd Petition)*. However, said writ petition was dismissed.

9. Petitioner, against the order of dismissal of the writ petition, moved before Division Bench (*4th Petition*) and filed Letters Patent Appeal being *L.P.A. No. 491 of 2005*. Said L.P.A. was disposed of vide order dated 12.10.2006, wherein decision of Ld. Single Bench was set aside and the Division Bench specifically noticed that in Three-Men Committee, which was constituted by Respondent Vice-Chancellor, allegations against Petitioner were not proved, but despite the same, Vice-Chancellor did not take any decision on the issue as to who should be Professor In-charge of the College in an erroneous manner, contrary to earlier direction of this Court. Accordingly, Judgment of Ld. Single Judge was set aside including decision of the Vice-Chancellor dated 05.03.2005 and the matter was remitted to the Vice Chancellor to decide the issue as to who should be Professor In charge of the College in view of report of the Three-Men Committee.

10. Despite the specific order passed by this Court in *L.P.A. No. 491 of 2005*, Respondent Vice-Chancellor again passed order dated 18.01.2007, wherein it again did not consider the issue as to who should be Professor In-charge of the College.

11. Under aforesaid circumstances, Petitioner filed another writ petition being *W.P.(S) No. 1888 of 2007 (i.e. 5th Petition)* for quashing the order of Vice Chancellor dated 19.01.2007. However, in the

meantime, Respondent-College appointed one Arjun Prasad Rai as regular Principal of the College and in view of said subsequent development of fact, *W.P.(S) No. 1888 of 2007* filed by Petitioner was dismissed on 01.11.2007.

12. Thereafter, Petitioner was issued Show Cause Notice on 28.03.2008 asking the Petitioner to reply within a period of 24 hours and, despite the fact that Petitioner sought for time, order dated 03.11.2008 was passed by Governing Body of the College terminating services of Petitioner. Said order of termination from service was passed without initiating any departmental proceeding and without any inquiry and/or witness being examined, which compelled the Petitioner to file another writ petition (*6th Petition*) being *W.P.(S) No. 2730 of 2016*. Although said writ petition was filed with delay, explanation was given by Petitioner for such delay that Governing Body itself was re-considering the decision and even order was passed for taking back services of Petitioner, but Petitioner was not allowed to join. Said Writ Petition being *W.P.(S) No. 2730 of 2016* was disposed of by this Court directing the Petitioner to approach Vice Chancellor of Vinoba Bhave University, who was, in turn, directed to pass reasoned and speaking order. Said order was not complied with, for which, Petitioner was compelled to file contempt case i.e. *Contempt Case (Civil) No. 357 of 2017 (7th Petition)* and during pendency of said contempt application, an order dated 23.05.2017 was passed by Respondent-Vice Chancellor, wherein

Petitioner's representation was rejected and decision of Governing Body terminating service of Petitioner was upheld.

13. Petitioner against preferred writ application being *W.P.(S) No. 4801 of 2017 (8th Petition)* challenging the order dated 23.05.2017 passed by Vice Chancellor of Vinoba Bhave University, and, in the said writ application an order dated 24.10.2018 was passed wherein this Court noted that disciplinary inquiry conducted against Petitioner was in violation of the University Statute No.1 (General Conditions of Service) approved on 18th November, 1980 which prescribed regular departmental proceedings to be held before service of an employee can be terminated.

14. Petitioner, by virtue of the said order, was given liberty to approach Respondent-Vice Chancellor by filing representation and, accordingly, Petitioner filed such representation and the Vice-Chancellor, vide order dated 05.04.2019, held that Petitioner's service has been illegally terminated, and, directed to reinstate the Petitioner in service in the capacity of Lecturer and further gave liberty to start departmental proceeding against Petitioner in accordance with law. However, while passing said order, Vice-Chancellor did not pass any order regarding arrears of salary for the petitioner during the period Petitioner was forced to remain out of service, and, further, in the said order, finding against Petitioner which is prejudicial to him, was recorded and it was further recorded that Petitioner is not capable of holding the post of Professor In charge of the College. It is against the said portion of the order, present writ application has been filed.

15. Heard learned Counsel for Petitioner, Counsel for Respondent-State and counsel for Respondent Nos. 5 and 6 (the College).

16. Counsel for Petitioner submitted that since Respondent-Vice Chancellor itself, in its, order held that Petitioner's services were terminated in an illegal manner, it should have further ordered for payment of back wages during the period of termination. It was further submitted that although Petitioner has been reinstated in his service, but he is being paid salary in basic pay-scale of Lecturer, whereas, other similarly situated Lecturers working in the College are being paid salary at higher pay-scale and, thus, Petitioner is being discriminated.

17. It was further submitted that from the facts of the present case, it would be writ large that despite findings given by Three-Men Committee, constituted by Vice Chancellor, that charges against Petitioner were not proved, Petitioner's services were illegally terminated by Governing Body of the College, and, Respondent-Vice Chancellor despite earlier order passed by this Court, especially the order passed in *L.P.A. No. 491 of 2005*, has ignored the report of Three-Men Committee and has made observations prejudicial to the interest of Petitioner.

18. *Per contra*, Counsel for Respondent-University supported the decision of Respondent-Vice Chancellor and submitted that observation made in the impugned order is upon consideration of the documents submitted by Governing Body of the College and Vice Chancellor has

rightly held that Petitioner does not possess quality of being Principal/Profession In-charge of the College.

19. Counsel for Respondent-State submitted that it is only a formal party in present matter.

20. Counsel for Respondent-College vehemently opposed the prayer made in the writ petition and contended that Petitioner is not entitled for any back wages, as Petitioner, for the period from 03.03.2010 to 2.08.2019 was working on the post of Para-teacher in upgraded Middle School Buddiha and was drawing honorarium of Rs. 8,945/- per month. It was further submitted that consequent upon order passed by Vice Chancellor, the Governing Body of the College issued Show Cause Notice to Petitioner on 05.09.2019, but, Petitioner did not reply to said Show Cause Notice and even reminder in that regard was issued.

21. It was further submitted that due to indiscipline and ill behavior of Petitioner with officers of Governing Body, the Governing Body, in its meeting held on 31.01.2020, directed the Petitioner to submit his Show Cause Reply, but till date, Petitioner has not responded.

22. With respect to claim of Petitioner regarding payment of salary equivalent to salary being paid to other Lecturers, it was submitted that Petitioner is being paid salary at par with the salary being paid to other Lecturers.

23. Counsel for Petitioner referred to Rejoinder Affidavit filed by Petitioner and specifically stated that Petitioner has never been paid salary at par with the salary being paid to other Lecturers and, in fact, on

21.01.2020, when Petitioner was compelled to sit over hunger strike, an advance of Rs. 51,000/- was paid to Petitioner and, further, an amount of Rs. 5000/- was paid as advance to his salary. Petitioner referred to Supplementary Counter Affidavit filed by Respondent Nos. 5 and 6 and pointed out that aforesaid facts have been admitted by Respondents in their Supplementary Counter Affidavit.

24. Further reference was made to Para-14 of Supplementary Counter Affidavit wherein, Respondents have themselves admitted that salary of Petitioner has been fixed from the date of joining i.e. 02.08.2019.

25. Having considered rival submissions of parties, this Court is of the opinion that although facts of the present case, prima facie appear to be complicated, but the issue raised is simple in nature.

26. Admittedly, pursuant to order passed by this Court, Vice Chancellor of Vinoba Bhave University constituted Three-Men Committee to enquire into the allegations levelled against Petitioner and Committee submitted its report, wherein allegations levelled against Petitioner were not proved. However, despite aforesaid fact being noted in the order dated 12.10.2006 passed in *L.P.A. No. 491 of 2005*, Petitioner's services were terminated illegally without holding any departmental proceedings in the year 2008.

27. Respondent-Vice Chancellor, in the impugned order dated 5th April, 2019 clearly recording, inter alia, that services of Petitioner were terminated without following any procedure by the Governing Body and

without initiating any proper proceedings, and, ordered for reinstatement of Petitioner and even gave liberty to the College to initiate fresh departmental proceeding from the stage of 1st Show Cause Notice served upon Petitioner. However, while passing said order, Respondent-Vice Chancellor did not consider the issue of back wages and further made observation prejudicial to the interest of Petitioner and even observed that Petitioner lacks the quality of a Principal/Professor In charge of the College.

28. Thus, on one hand, Vice Chancellor itself declared that termination of Petitioner was illegal and gave liberty to Governing Body to initiate fresh proceeding, but, on the other hand, Respondent itself pre-judged and pre-decided the issue regarding merit of the matter and made observation prejudicial to the interest of Petitioner. Such observation made in the impugned order is completely contrary to principles of natural justice, when Respondent-Vice Chancellor itself left the issue of alleged irregularity committed by Petitioner to be decided by Governing Body of the College.

29. Thus, decision of Respondent-Vice Chancellor, to the extent it made observation against the conduct of Petitioner including his quality to be appointed as Principal/Professor In charge of the College, in the impugned order dated 05.04.2019, is deserved to be quashed and set aside.

30. So far, the issue of payment of arrears of salary to Petitioner is concerned, this Court, on perusal of the record, is of the firm opinion that

Petitioner has been victimized for approaching this Court for safeguarding his right against action taken against him by Governing Body. This Court, vide order dated 12.10.2006 passed in *L.P.A. No. 491 of 2005*, directed the Vice Chancellor to investigate into the issue as to whether charges levelled against Petitioner is correct or not, and, pursuant thereto, a Three-Men Committee was constituted which clearly opined that allegations against Petitioner were not proved. The relevant paragraph is quoted herein-below:-

“This case has got a chequered history. The appellant has been constrained to knock the door of this Court for the third time. As a matter of fact, after his removal by the order dated 2.9.2002, he filed a writ petition before this Court and the learned Single Judge, allowing the writ petition, directed the Vice Chancellor to consider two issues – (i) who is the senior most Professor of the college and (ii) who is the competent person to be appointed as Principal-in-charge. In pursuance of an order, the Vice Chancellor conducted an enquiry and found that the appellant is the senior most Professor and in respect of the second issue, he directed the Governing Body, which is already in seisin of the matter relating to the charges against the appellant, to decide the same. Aggrieved by that, the appellant has filed another writ petition wherein this Court, allowing the writ petition and quashing the said order, directed the Vice Chancellor to entrust the matter of enquiry to some other Governing Body consisting of new persons to decide the second issue. Accordingly, the Vice Chancellor constituted a three-man committee, which, in turn, conducted seniority and submitted a report stating that the charges were not being proved. Despite that, the Vice Chancellor, without considering that report, simply rejected the claim of the appellant on the ground that the College is only an affiliated unit which has been granted temporary affiliation. This subject-matter was under challenge before the learned Single Judge, who, in turn, affirmed the order passed by the Vice Chancellor. Aggrieved by that, this appeal has been preferred.

Heard the counsel for the appellant and the counsel for the respondents.

Admittedly, the issues decided by the Vice Chancellor in the impugned order as directed to be decided by the order of this Court would indicate that an enquiry was to be made as to who was the senior most Professor in the College and who was the competent person to be appointed as Principal-in-charge, but the Vice Chancellor, without going into the report submitted by the new Committee constituted by him in pursuance of the order passed by this Court, simply rejected the claim of the appellant saying that the college is granted temporary affiliation, which is beyond the scope of the enquiry. Admittedly, the point has not been answered by the Vice Chancellor in respect of the second issue to be decided by him as per the order of this Court. In the circumstances, we deem it fit to set aside the order of the learned Single Judge as well

as the order of the Vice Chancellor and direct the Vice Chancellor to go through the report submitted by the newly constituted Committee consisting of three members to decide the second issue in accordance with law as early as possible.”

31. Despite aforesaid finding of Three-Men Committee, Governing Body of the College, without holding any departmental proceeding against Petitioner, terminated his services vide order dated 03.11.2008 and it is only consequent upon interference made by this Court, said termination was set aside by Respondent-Vice Chancellor. Admittedly, thereafter, Petitioner was reinstated in service. Respondent-College, in its Counter Affidavit, stated that consequent upon liberty granted in the impugned order, departmental proceeding was initiated against Petitioner, but no final order was passed as Petitioner did not submit his reply. This cannot be an excuse for not passing final order.

32. All the facts cumulatively demonstrate that Petitioner was made to suffer for no fault of his and after about eleven years of his illegal termination, Petitioner has been reinstated in service.

33. Thus, this Court is of the opinion that Petitioner is entitled to be restored to the position of ‘status quo ante’ i.e. the same position in which Petitioner was in service before termination. It was fairly submitted by Petitioner that Petitioner; in order to earn his bread and butter and to survive himself and his family members took up the job of Para-teacher on contractual basis and was paid honorarium during the period 03.03.2010 till 2.08.2019.

34. Petitioner further fairly submitted that arrears of back wages to be paid to Petitioner may be calculated after deducting the amount which was received by him as honorarium.

35. Having regard to the aforesaid factual scenario; interest of justice would be sufficed by holding that Petitioner should be entitled for 75% of back wages from the date of termination of his service till the date of his reinstatement/joining i.e. 02.08.2019 after deducting the amount received by Petitioner as honorarium during his contractual appointment as Para-teacher between the period 03.03.2010 to 2.08.2019.

36. Ordered accordingly.

37. So far as the issue of payment of salary in the same pay-scale which is paid to other Lecturers is concerned; this Court is having no hesitation in holding that Petitioner cannot be discriminated in the matter of payment of salary with that of other similarly situated Lecturers. In fact, Respondent-College, in its Counter Affidavit, made a statement that it is making payment of salary to Petitioner equivalent to other Lecturers of the college, but said statement is itself contradicted by Supplementary Counter Affidavit filed by Respondent-College, wherein in Para-14, it has been stated as under:-

“14. That in reply to Para 21 to 23 of the rejoinder it is respectfully submitted that the information as sought for has already been provided to the Petitioner. It is incorrect to allege that he was not been given the pay scale rather the pay scale has been fixed legally from the date of his joining i.e. 2.08.2019.”

38. A bare perusal of aforesaid averment would reveal that pay-scale of Petitioner on the post of Lecturer has been fixed from the date of his joining i.e. 02.08.2019, which would clearly reveal that Petitioner is being paid his salary at initial pay in the pay-scale; whereas service of Petitioner was directed to be reinstated and, thus, salary should have

been fixed in the pay-scale by taking into consideration the entire length of services of the Petitioner from the date of appointment till the date of his re-joining.

39. The word '*reinstatement*' should mean restoration of '*status quo ante*' i.e. Petitioner would be reinstated with effect from the date of his termination and would be entitled for all increments and consequential revision of pay-scale, etc. which, admittedly, is not done in the present case.

40. In aforementioned facts and circumstances of the present case, impugned order dated 05.04.2019, to the extent observation prejudicial to the interest of Petitioner has been made, is hereby, quashed and set aside.

41. It is further ordered that Petitioner would be entitled for 75% back wages and consequential benefits, including seniority from the date of termination of his service till the date of his reinstatement, after excluding the amount of honorarium which Petitioner received as contractual employee being Para-teacher.

42. Further, Respondents are directed to re-compute pay-fixation of Petitioner by taking into consideration the date of original appointment of Petitioner and grant necessary increments and revision of pay-scale, as has been extended to other similarly situated Lecturers working in the College. Aforesaid exercise of payment of arrears of salary and re-fixation of pay should be carried out within a period of 12 weeks from the date of receipt/production of copy of this order and, in

the event Respondent-College fails to make payment of arrears of salary to Petitioner within the aforesaid period stipulated period, Petitioner would be entitled for simple interest @ 6% per annum on the arrear salary amount from the date of present Judgment till the arrears of salary are paid to Petitioner.

43. Accordingly, the instant writ petition stands allowed in the aforesaid terms. Pending I.As., if any, also stand closed and there shall be no order as to costs.

(Deepak Roshan, J)

Dated: 10 /07/2026

Amardeep/

A.F.R

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