

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6316 of 2015**

---

---

1. Yogendra Paswan Son of Late Anurag Paswan resident of village Post - Rampur Doh, P.S. Vishanpur, District - Darbhanga
2. Vidyanand Jha Son of Late Ram Krishna Jha resident of village Post - Lakshmanpur, P.S. Bahera, District - Darbhanga
3. Mithilesh Kumar Singh Son of Late Dukhmochan Singh resident of village Post - Godiyari, P.S. Vishanpur, District - Darbhanga
4. Pawan Kumar Mishra Son of Late Markandey Mishra resident of village Post - Panchobh, P.S. Vishanpur, District - Darbhanga
5. Shambhu Paswan Son of Late Yogi Paswan resident of Mohalla - Chhapakki Padadi, Post - Lakshmisagar, P.S. Sadar, District - Darbhanga
6. Shahzadi Begum daughter of Abdul Hakim resident of village - Kanhauli, Post - Jhanjharpur, P.S. Jhanjharpur, District - Madhubani
7. Arun Singh Son of Shri Ram Lakhan Singh resident of village - Bhagwatipur, Post - Khashri, P.S. Hayaghat, District - Darbhanga
8. Radha Devi Wife of Shri Upendra Mandal resident of Mohalla - Mathurapur, Post - Milkichak, P.S. Sadar, District - Darbhanga
9. Rohit Yadav Son of Late Tilak Yadav resident of Mohalla - Lakshmipur Navtoliya, Post - Sundarpurvida, P.S. L.N.M.U., District - Darbhanga
10. Malti Devi wife of Shri Satyanarayan Rai resident of Mohalla - Mishra Tola, Post - Lalbagh, District - Darbhanga
11. Lila Devi Wife of Shri Sukvir Ram resident of Mohalla - Lakshmisagar Saidpur, Post - Lakshmisagar, P.S. Sadar, District - Darbhanga
12. Mohan Paswan Son of Late Ganpati Paswan resident of village - Dihchaprar, Post - Milkichak, P.S. Bahadurpur, District - Darbhanga
13. Tuntun Ram Son of Shri Nunulal Ram resident of Mohalla - Bhatiharisarai, Post - Lalbagh, District - Darbhanga
14. Kushe Mandal Son of Shri Shivan Mandal resident of village - Bargoria, Post Bithuar, P.S. Pandaul, District - Madhubani
15. Lal Jha Son of Late Tululflal Jha resident of village Post - Abari, P.S. Saharghat, District - Madhubani
16. Seth Poddar Son of Late Ramji Poddar resident of Madhurapur, Post - Punma Dharampur, P.S. Hathauri Kothi, District - Samastipur
17. Ram Sewak Thakur son of Late Nandlal Thakur resident of Mohalla - Mishrganj, Post - Lalbagh, District - Darbhanga
18. Jai Narayan Jha Son of Shri Hari Shankar Jha resident of village Post - Chikna, P.S. Ghoghardiha, District - Madhubani
19. Punita Devi Wife of Late Pratap Bhanu Yadav resident of village Post - Kanhauli Khabdah, P.S. Narpatganj, District - Araria
20. Ram Agar Thakur Son of Late Modnarayan Thakur resident of village - Amdauli, Post - Abari, District - Madhubani



21. Shatrughan THakur Son of Late Krishna Chandra Thakur resident of village Post - Ghaghardiha, P.S. Ghoghardiha, District - Madhubani
22. Bhagya Narayan Jha Son of Late Madhukant Jha resident of village - Motipur, Post - Arbatta, P.S. Bairganiya, District - Sitamarhi
23. Dhruv Kumar Yadav Son of Late Baldev Narayan Yadav resident of Mohalla - Kathalbari, Post - Lalbagh, District - Darbhanga
24. Maheshwar Kumar Son of Late Ram Bujhawan Singh resident of village Post - Vinodpur, P.S. Mofassil, District - Begusarai
25. Bharti Kumar Daughter of Late Chhote Lal Mandal resident of Mohalla - Banglagadh, Post - Lalbagh, P.S. University, District - Darbhanga
26. Vidya Devi wife of Late Birendra Kumar resident of village Post - Komli, Via - Nanpur, District - Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. L.N. Mithila University, Darbhanga through its Registrar
3. Vice Chancellor, L.N. Mithila University, Darbhanga
4. Registrar, L.N. Mithila University, Darbhanga

... .. Respondent/s

with

**Civil Writ Jurisdiction Case No. 6444 of 2015**

1. Umesh Prasad Singh and Ors. son of Late Taranand Singh, resident of VillagePost-Patauri, P.S.-Singheshwar Asthan, District-Madhepura
2. Shiv Shankar Jha, son of Late Sharda Kant Jha, resident of VillagePost-Patuara, P.S.-Saharsa, District-Saharsa
3. Krishan Kumar Choudhary, son of Late Vagish Chandra Choudhary, resident of VillagePost-Basaith Chandpura, P.S.-Benipatti, District-Madhubani
4. Vishnu Deo Mishra, son of late Chakradhari Mishra, resident of Village-Mishrapur, Post-Kamaitha, District-Bhagalpur
5. Jitendra Prasad, son of Shri Subodh Yadav, reident of Village-Dherichak, Post-Koyla Asthan, P.S.-Keoti, District-Darbhanga
6. Radhe Shyam Roy, son of Late Babuji Roy, resident of Mohalla-Bhagwandas, P.S.-Darbhanga Sadar, District-Darbhanga
7. Amarendra Kumar Mishra, son of Late Dinesh Prasad Mishra, resident of Mohalla-Bhagwandas, P.S.-Darbhanga Sadar, District-Darbhanga
8. Satyam, son of Late Nagendra Jha, resident of Village-Dhanauja, Post-Lorika, P.S.-Benipatti, District-Madhubani
9. Dilip Kumar Pathak, son of Late Tirpit Narayan Pathak, resident of Village-Dhanauja, Post-Lorika, P.S.-Benipatti, District-Madhubani
10. Hari Kant Choudhary, son of Late Jang Bahadur Choudhary, resident of



VillagePost-Panchobh, P.S.-Vishanpur, District-Darbhanga

11. Nirdosh Kumar Bhagat, son of Shri Shyam Narayan Bhagat, resident of Mohalla-Bela Shankar, Durga Mandir, District-Darbhanga
12. Dukhan Yadav, son of Late Lochan Yadav, resident of Village-Dome East of Road, Post-Koyla Asthan, P.S.-Kasoti, District-Darbhanga
13. Shiv Shanker Prasad, son of Late Satya Narayan Sah, resident of Mohalla-Saidpur, Lakshmi Sagar, Beside Dr. Kejriwal, P.S.-L.N.M.U., District-Darbhanga
14. Lila Kumari, daughter of Late Ram Balak Ram, resident of Village-Darhar, Post-Laheriasarai, P.S.-Bahadurpur, District-Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. L.N. Mithila University, Darbhanga through its Registrar
3. Vice Chancellor, L.N. Mithila University, Darbhanga
4. Registrar, L.N. Mithila University, Darbhanga

... .. Respondent/s

with

**Civil Writ Jurisdiction Case No. 12124 of 2015**

Shree Mohan Jha S/o Lt. Kamla Kant Jha Near Raj Power House, Soti Lane, Darbhanga, P.S. - LNMU Campus, Town and District - Darbhanga.

... .. Petitioner/s

Versus

1. The L. N. Mithila University, Darbhanga and Ors
2. The Vice-Chancellor, L.N. Mithila University, Darbhanga.
3. The Registrar, L.N. Mithila University, Darbhanga.
4. The Finance Officer, L.N. Mithila University, Darbhanga.
5. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, New Secre
6. The Director, Higher Education, Govt. of Bihar, New Secretariat, Patna.

... .. Respondent/s

**Appearance :**

(In Civil Writ Jurisdiction Case No. 6316 of 2015)

For the Petitioner/s : Mr.Abhinav Srivastava

For the Respondent/s : Mr.Aag12 R.N.Dubey

(In Civil Writ Jurisdiction Case No. 6444 of 2015)

For the Petitioner/s : Mr.Abhinav Srivastava

For the Respondent/s : Mr.Aag11- Ashok Kumar Keshari

(In Civil Writ Jurisdiction Case No. 12124 of 2015)

For the Petitioner/s : Mr.Purushottam Kumar Jha



For the Respondent/s : Mr.Md. Raisul Haque- Sc4

---

---

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA  
CAV JUDGMENT**

**Date : 27 -09-2024**

1. All these writ petitions have been filed by the similarly situated employees, whose services were regularized for a direction to the respondent authorities to make payment of arrears of salary in terms of the notification dated 26.12.2009 by which the services of the petitioners and similarly situated persons were regularized from the date of their initial appointment.

2. In CWJC No. 6316 of 2015 there are twenty six petitioners of Class III & Class IV. In CWJC No. 12124 of 2015 one petitioner is there and in CWJC No. 6444 of 2015 there are fourteen petitioners.

3. The petitioners have further prayed for quashing the order dated 29.01.2019 contained in letter no. 201 issued by the Department of Education, Government of Bihar, by which the notification of the University dated 26.12.2009 has been cancelled.

4. Brief facts giving rise to the present writ application is that petitioners and similarly situated persons were appointed as Daily Wage Employees against different Class III & Class IV non-teaching posts in different Colleges of the University upon



which they continued to discharge their function satisfactorily. In the light of various orders passed by this Court and on the basis of decision taken by syndicate of the University, services of altogether 199 persons including the petitioners of the present batch of writ petitions were provisionally regularized against different Class III & Class IV posts subject to approval of the State Government vide notification dated 06.06.2004 issued by the Registrar of the L.N. Mithila University, Darbhanga (for short the 'University'). Thereafter, the State Government delayed in taking decision in the matter by raising objections in one way or the other following which a MJC came to be filed before this Court bearing MJC No. 734 of 2001 and analogous cases and vide order dated 17.12.2004 the State Government was given two weeks time to take up the recommendation made by University and pass final order.

5. In compliance of the aforesaid order in the MJC, the Department of Human Resources Development, Government of Bihar came out with Memo No. 31 dated 05.01.2005 granting approval to the recommendations made by the University with respect to regularization of services of different non-teaching employees working in different constituent Colleges and Departments under the University following which the



University came with a notification dated 24.02.2005 by which services of 196 persons including the petitioners were regularized with effect from 06.06.2004 with the stipulation that they would be entitled for payment of their salaries in the approved pay scale from January, 2005 and arrears for the period between 06.06.2004 to December, 2004 will be paid after receipt of the funds from the State Government.

6. The petitioners at this stage relies upon the judgment dated 10.05.2006 passed by this Court in CWJC No. 3274 / 2001 and another analogous cases wherein the services of eighteen employees working on Daily Wage basis in different Colleges / Departments of the University were terminated with effect from 01.03.2001. This Court taking into consideration other facts and circumstances including the notification dated 06.06.2004 by which services of fourteen out of eighteen employees were already regularized, directed to regularize their services with effect from the date of initial joining for the purpose of pensionary benefits including the benefits of family pension. However, it was further clarified that incidental and consequential benefits on account of regularization other than pensionary benefits will depend upon the outcome of pending matter before the Hon'ble Supreme Court in SLP No. 25732 of



2004 (Civil Appeal No. 987 of 2006). The SLP was preferred by the State against an order dated 03.02.2004 passed in LPA No. 835 of 1997 (Awadesh Prasad Yadav & Ors. *versus* The State of Bihar & Ors.) reported in 2004(2) PLJR 689 by which the appellants of the said LPA (eleven in number) whose services were initially regularized like the petitioners of present case vide notification dated 06.06.2004 (serial no. 145-155) upon order by this Court was shifted, from the date of their initial appointment and subsequently the University vide letter dated 17.01.2010 paid the arrears of salary to the said eleven similarly situated persons for the period between the date of their initial appointment to December, 2004.

7. The aforesaid SLP preferred by the respondent / State was subsequently dismissed as withdrawn vide order dated 18.09.2007. Thereafter, the University came out with a notification dated 26.12.2009 whereby partial modification of notification dated 24.02.2005 was made and in pursuance of the order dated 10.05.2006 passed in CWJC No. 3274 of 2001 (Rajendra Kamti and others *versus* L.N. Mithila University & Ors.) and allied cases read with order dated 03.02.2004 passed by Division Bench of this Court in LPA No. 835 of 1997, letter dated 12.09.2006 of the Additional Commissioner, HRD



Department, the order dated 18.09.2007 passed by Hon'ble Supreme Court in IA No. 2 in Civil Appeal No. 987 of 2006, resolution no. 8 dated 17.10.2006 of the Syndicate, the Vice Chancellor shifted the date of regularization from 06.06.2004 to the date of their initial appointment.

8. Out of 196 employees whose services were regularized with effect from 06.06.2004 the services of eleven employees were shifted back from 06.06.2004 to the date of their initial appointment pursuant to the order passed in LPA No. 835 of 1997 as such, the notification dated 26.12.2009 contained the name of 185 remaining employees including the petitioners. Thereafter, University came out with another notification dated 07.01.2012 by which earlier notification dated 26.12.2009 regularizing the services of 185 daily wage employees with effect from date of their initial appointment was withdrawn with stipulation that they would be entitled for payment of salary with effect from 06.06.2004 except retiral benefits. Subsequently, notification dated 07.01.2012 was withdrawn by the University in compliance of the order passed by this Court in CWJC No. 3274 of 2001 and analogous cases vide another notification dated 02.05.2012 reviving the notification dated 26.12.2009 and the same has been made operative subject to the



final outcome of CWJC No. 19473 of 2010. Later by corrigendum dated 08.05.2012 the notification dated 02.05.2012 was modified and the condition “subject to the final outcome of CWJC No. 19473 of 2010” was deleted. In other words, the notification dated 26.12.2009 issued by the University became operative in its totality.

9. CWJC No. 19473 of 2010 along with other analogous cases were filed by similarly situated employees which was disposed in the light of the Full Bench judgment reported in 2018(2) PLJR 929 (Amresh Kumar Singh vs. The State of Bihar & Anr.) and Division Bench judgment reported in 2018(2) PLJR 737 with direction to the respondents to treat the petitioners at par with similarly situated employees who have already been granted the benefit of regularization with effect from the actual date of appointment. The Full Bench of this Court taking into consideration the Bihar State Litigation Policy, 2011 directed that all similarly situated employees should be granted the benefit of covered matters and if orders of the Court have been implemented in case of certain litigant, it should be implemented in respect of all other identically situated persons. The order dated 03.01.2019 passed in CWJC No. 19473 of 2010 and identical cases was challenged by the respondent / State



before the Division Bench in LPA No. 782 of 2019 arising out of CWJC No. 2687 of 2012 which stood dismissed with liberty to the State Government to file review petition before the learned single judge in accordance with law. According to the respondents petition for review of the order dated 03.01.2019 has been filed bearing Civil Review No. 199 of 2023 which is still pending. Another similarly situated person Nand Kishore Mehra filed writ petition bearing CWJC No. 13833 of 2004 claiming salary from the initial date of joining which was disposed of by this court vide order dated 08/03/2011 with a direction to file representation before the Vice Chancellor of the University who would pass an order for making payment of salary and if the fund is not available with the University request shall be sent to the State Government for payment of dues of the petitioner and ultimately after filing MJC the University vide order dated 04.03.2015 decided to make payment to Nand Kishore Mehra.

10. In the aforesaid background the petitioners of the present batch of writ applications filed various representations before the concerned authority of the University for taking necessary steps towards making payment of arrears of salary for the period between date of their initial appointment to



December, 2004 but no action has been taken in this regard, however, during pendency of these batch of writ petitions, Special Secretary, Education Department, Government of Bihar vide his letter no. 201 dated 29.01.2019 addressed to the Registrar of the respondent / University stating therein that after taking the opinion of Law Department notification dated 26.12.2009 has been cancelled by which services of the petitioners were regularized from the date of initial appointment pursuant to which payment of arrears of salary has also been made to various employees covered by the said notification. This letter dated 29.01.2019 has been challenged by the petitioner by filing IA No. 01 / 2024 which has been allowed by this Court. The petitioners have also given serial numbers of the employees who have been paid the arrears of salary from the date of initial appointment eg. serial nos. 01, 12, 29, 34, 36, 42, 49, 51, 52, 56, 57, 59, 61, 63, 67, 68, 81, 106, 111, 144, 178 in the notification dated 26.12.2009.

11. Learned counsel for the petitioners argued that eleven persons who were initially regularized along with the petitioners vide the same notification dated 06.06.2004 were appointed in the same manner as that of the petitioners of the present batch of writ applications and have been granted the benefit of shifting



back the date of their regularization from the date of initial appointment, for payment of arrears of salary, in pursuance of the order passed in LPA No. 835 of 1997 Awadhesh Prasad Yadav (Supra) which has attained finality inasmuch as SLP preferred by the State Government against the aforesaid order of Division Bench stands dismissed as withdrawn. Since in the order passed in CWJC No. 3274 of 2001 dated 10.05.2006 the claim of payment of arrears of salary from the date of initial appointment was made subject to final outcome of the SLP and the SLP has been dismissed, therefore, there is no rhyme and reason as to why similar benefit as extended to the similarly situated 11 persons ought not be granted to the petitioners. Seventeen more Class III & Class IV employees were granted the benefit of arrears of salary from the date of their initial appointment till December, 2004 and payments have also been made to them.

12. Learned counsel further submits that the action of the respondents concerned on the one hand in making payment of arrears of salary to similarly and identically situated persons and denying similar benefit to the petitioners is completely arbitrary, illegal, malafide, malicious, discriminatory and in violation of Article 14 of the Constitution of India including the Bihar State



Litigation Policy, 2011.

13. Learned counsel next submits that cancellation of the notification issued by the University dated 26.12.2009 by the Special Secretary of the Education Department vide letter dated 29.01.2019 is without jurisdiction inasmuch as the University has issued the notification granting the benefits to petitioners and other similarly situated employees from the date of their initial appointment in the light of various judgments passed by this Court and also the power to take such decision regarding absorption and regularization of the employees working under it under the Bihar State Universities Act, 1976. The State Government has no power to set aside the decision of the University taken in this regard.

14. Learned counsel for the State argued that petitioners are seeking parity with similarly situated persons but their mode and manner of appointment or case history has not been brought on record of this case. Further the petitioners have accepted their order of regularization in the year 2004-2005 and after lapse of considerable period of time the petitioners can not be allowed to challenge part of the order regarding payment of benefits from a particular date. The decision of the University can not stand in the eyes of law as the University unilaterally



can not take decision without State Government approval to shift back the date as it would have financial burden upon the State Government. The University misunderstood and misinterpreted the order passed in LPA No. 835 of 1997 and order passed in CWJC No. 3274 of 2001 and analogous cases and shifted the date of regularization of 185 employees from the initial date of their appointment with all consequential benefits, as such, the notification dated 26.12.2009 has been set aside.

15. The State Government vide its earlier letter dated 10.02.2017 bearing no. 129 had directed the University to cancel the notification dated 26.12.2009 issued by it and inform the Government in this regard but no action was taken by the University. The State Government after seeking opinion of the Law Department cancelled the notification dated 26.12.2009 issued by the University vide letter no. 201 dated 29.01.2019.

16. Learned counsel for the University on the other hand submits that in the year 2017 the State Government directed the University to cancel its decision with regard to shifting back the date of regularization of 185 employees from the date of their initial appointment. The Vice Chancellor constituted a Five Men Committee to look into the matter. Thereafter, the University wrote to the State Government to reconsider the said decision.



The University brought on record the letter no. 1251 dated 16.02.2020 issued by the Director, Higher Education stating therein that judgment rendered in LPA No. 835 of 1997 was judgment in *per sonem* and same benefit cannot be extended to other persons. It has further been argued that the notification dated 26.12.2009 which has been issued in the name of judicial order is wholly illegal and is based upon extraneous consideration as well as incorrect facts and due to this reason the aforesaid notification cannot be approved since it would overburden the State Government with unnecessary financial liability.

17. Upon hearing rival submissions of the parties and from the facts and materials available on record the un-controverted position which emerges is that sanction of the post by the State Government is not disputed at all. The appointments whether of 185 or 11 employees were made on the sanctioned post. From perusal of the letter dated 16.09.2019 at Annexure-R/1 annexed by the University in its counter affidavit it appears that pursuant to the order dated 21.03.1997 passed in CWJC No. 4252 of 1997 the University published advertisement for appointment of Class III & Class IV employees under various categories and after scrutiny of the applications the candidates were called for



interview. The selection committee of the University shortlisted the names of 274 applicants including the petitioners. The Syndicate of the University out of 274 shortlisted candidates selected 199 candidates including (185+11) and appointments were made against the sanctioned post of 196 candidate. The Division Bench of this Court in LPA No. 835 of 1997 dated 03.02.2004 relating to the grievance of eleven candidates directed that they would be entitled to their arrears from the date of their appointment on which the sanction has been sought.

18. The SLP filed against the order dated 03.02.2004 was dismissed, accordingly, eleven similarly situated persons were given the benefit of regularization including the arrears of salary with effect from the date of their initial appointment. The University issued a notification for regularization by regularizing the petitioners and similarly situated candidates on Class III & IV posts provisionally on 06.06.2004 and after approval of the State Government final notification was issued by the University on 24.02.2005. Subsequently, in partial modification of the notification dated 24.02.2005 another notification dated 26.12.2009 was issued in the light of various orders passed by this Court and the decision of the Syndicate by



which the benefit of past service was given to the petitioners and similarly situated employees by shifting back their date of regularization from 06.06.2004 to the date of their initial appointment. Apart from eleven employees who were given the benefits of regularization from the date of their initial appointment, various other employees whose serial no. in the notification have been placed by the petitioners in the writ applications were also given the benefit of regularization from the date of their initial appointment. Some of the similarly situated employees filed another set of writ petition in CWJC No. 2836 of 2012 and analogous cases including CWJC No. 2687 of 2012 & CWJC No. 19473 of 2010 before this Court seeking similar relief at par with similarly situated employees who have already been granted benefit of regularization with effect from their actual date of appointment. A Co-ordinate Bench of this court vide its order dated 03.01.2019 allowed the writ application in the light of judgment of the Full Bench judgment reported in 2018(2) PLJR 929. In the judgment reported in 2018 (2) PLJR 929 the Full Bench of this Court in view of the Bihar State Litigation Policy, 2011 held that Bihar State Litigation Policy, 2011 mandates that all similarly situated employees should be granted the benefit of covered matters and



if orders of the court have been implemented in case of certain litigants, it should be implemented in respect of all other identically situated persons.

19. Another similarly situated person Nand Kishore Mehra filed a writ application bearing CWJC No. 13833 of 2004 which was disposed vide order dated 08.03.2011 by which it was ordered that the petitioners would file a representation before the Vice Chancellor of the University who would pass an order for making payment of arrears of salary and if the fund was not available with the University, then demand to the State Government would be sent with respect of payment of dues of the petitioner. The State Government released the amount and the arrears of salary to Nand Kishore Mehra was paid vide Memo No. 90/15 dated 04.03.2015 (Annexure-16).

20. Considering the facts and circumstances as discussed hereinabove, I am of the considered opinion that University has the power under the Bihar State University Act, 1976 to take decision regarding regularization / absorption of the employees working under it. The State Government has no power to interfere with the decision taken by the University regarding absorption of the employees on the sanctioned post. The Universities are alone empowered to take such decision as per



Section 4(1)(xiv) of Bihar State University Act, 1976. The fact that the post upon which the petitioners are working were sanctioned by the State Government, as such, cancellation of notification of the University dated 26.12.2009 by the State functionary vide notification dated 29.01.2019 is without jurisdiction and arbitrary inasmuch as the State Government and its functionaries are not the appellate authority upon the decision taken by the University. The University sought to challenge the validity of its own notification dated 26.12.2009 during argument. The University or its functionary can't challenge or question the validity of its own decision on the ground that it would overburden the State Government with unnecessary financial liability. It is not open for the University to contend that the notification dated 26.12.2009 was issued on extraneous consideration in the light of the fact that it was issued on the basis of various orders passed by this Court and Hon'ble Supreme Court, Syndicate and letter of Additional Commissioner, HRD Department and reiterated by notification of the University dated 02.05.2012.

21. The respondents are not permitted to grant benefit of past service to some of the employees on pick and choose basis and denying similar benefit to the petitioners. The same shall



amount to discriminatory treatment and violative of the Bihar State Litigation Policy, 2011 itself. Consequently, I come to the conclusion that the notification dated 29.01.2019 can not survive. Accordingly it is set aside.

22. The respondents including the State respondent are directed to ensure that arrears of salary are paid to the petitioners from the date of their initial appointment till December, 2004 subject to verification of actual working of the petitioners during such period.

23. The entire exercise for payment of arrears of salary shall be completed by the respondents within a period of six months from the date of receipt / production of a copy of this order.

**(Anil Kumar Sinha, J)**

praful/-

|                   |            |
|-------------------|------------|
| AFR               | AFR        |
| CAV DATE          | 23.07.2024 |
| Uploading Date    | 27-09-2024 |
| Transmission Date | NA         |

