

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9026 of 2018

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Dr. Bijay Kumar Singh, son of Sri Indradeo Singh, Lecturer in the Department of Political Science, S.B.A.N. College, Darheta- Lari, P.S.- Kurtha, District- Arwal.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Higher Education, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
2. The Principal Secretary, Department of Higher Education, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
3. The Secretary, Department of Education, Government of Bihar, Patna.
4. The Magadh University through its Registrar, Bodh Gaya, Gaya.
5. The Vice- Chancellor, Magadh University, Bodh Gaya, Gaya.
6. The Registrar, Magadh University, Bodh Gaya, Gaya.
7. Finance Officer, Magadh University, Bodh Gaya, Gaya.
8. The Principal, S.B.A.N. College, Darheta- Lari, District- Arwal.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ugranath Mallik, Advocate

For the Respondent/s : Mr. S.C. Mishra, SC-16

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 18-07-2018

The name of the petitioner in this writ application figures in the list of teachers to be provisionally absorbed in letter no. 181(C) dated 18.12.1989, but his service was not absorbed in the University. The petitioner was paid salary, but formal order of his absorption was not issued.

2. In view of the judgment of the Apex Court in the case of State of Bihar & Ors. vs. Bihar Rajya M.S.E.S.K.K. Mahasangh & Ors. reported in (2005) 9 SCC 129 and the decision in C.W.J.C. No. 17670 of 2017 the University is directed to absorb the services of the petitioner with all consequential benefits.



3. Learned counsel for the petitioner submits that the petitioner was appointed on 02.01.1984, as Lecturer in Political science, his name figures in the list of letter no. 181(C) as well as in take over list. However, he was not paid salary. He submits that post of Lecturer of political science is still available for consideration of the case of the petitioner.

4. In view of the above, the University is required to examine the claim of the petitioner and if it is found that he is regularly working and there exist vacancy the University is directed to take decision in the light of the judgment of **Mahasangh** case (Supra). The consequential benefit to this petitioner will accrue from the date of the decision by the University with regard to take over the petitioner in the light of **Mahasangh** case (Supra).

5. Final decision in this regard must be taken by the University within a period of three months from the date of receipt/production of a copy of this order.

6. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	.07.2018
Transmission Date	

