

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2504 of 2016

Dr. Manjari Thakur wife of Shri Nawal Kishore Thakur resident of village -
Fulparasi, P.O. - Singrahiya, P.S. - Sahiyara, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna.
2. L.N. Mithila University, Darbhanga through its Registrar.
3. The Vice-Chancellor, L.N. Mithila University, Darbhanga.
4. The Registrar, L.N. Mithila University, Darbhanga. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava
For the Respondent/s	:	Mr. Ravindra Kumar, Ac to Aag-6
For LNMU	:	Mr. Chandra Mohan Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-03-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the University.

The only rub in the present writ application is the date
of entitlement of the regularization of the service of the
petitioner.

Learned counsel Mr. Abhinav Srivastava submits that
the post in question was sanctioned by the respondents vide
letter contained in Annexure-4 with effect from 6.5. 1982 and as
such respondents are required to count the regular service of
absorption in terms of Section 41(1)(14) of the Bihar State
University Act, 1976 with effect from 6.5.1982 but without any
rationale basis they have fixed the absorption of the petitioner
with effect from 1984. He submits that in view of the aforesaid
discrepancy, the petitioner has approached this court.



Learned counsel for the respondents submits that substantial grievance of the petitioner has been redressed as he has been absorbed in terms of Section 41(1)(14) of the Act. He further submits that it is not the dispute that the post which was sanctioned with effect from 6.9.1982.

Under the aforesaid circumstances, the respondent University is directed to re-examine the case of the petitioner for grant of benefit of absorption with effect from 6.5.1982 and if the respondent finds that the post in question was sanctioned with effect from 6.5.1982, the University may rectify the mistake and take corrective measures, treating the date of absorption of the petitioner with effect from 6.5.1982 i.e. the post was sanctioned by Annexure-4 to the writ application, necessary corrective measures may be taken by the respondent and appropriate decision may be taken in the matter by the respondent within a maximum period of three months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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