

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12027 of 2009

1. Kashi Nath Singh, son of Late Genga Dayal Singh, resident of village Sheoraji Tola, Post Office- Chakai, Police Station- Dhangai, District- Bhojpur
2. Sidheshwar Sharma @ Sidheshwar Pd. Sharma, son of Late Chandrika Sharma, resident of At & Post Office – Kasap, Police Station- Udwananagar, District- Bhojpur

... .. Petitioner/s

Versus

1. The Chancellor Of Universities, Bihar, Patna
2. The State of Bihar through the Commissioner-cum-Secretary, Dept. of Human Resource, Govt. of Bihar, Patna
3. The Vice-Chancellor, Magadh University, Bodh Gaya
4. The Registrar, Magadh Universities, Bodh Gaya
5. The Principal, Ram Lakhan Singh Yadav College, Aurangabad

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Advocate
For the State	:	Mr. Raghwanand GA11
		Dr. Kamal Deo Sharma, AC to GA-11
For Magadh University	:	Mr. Shivendra Kishore, Sr. Advocate
		Mr. Ritesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 13-08-2018

Heard learned counsel for the parties.

2. The instant case relates to absorption of the teachers, who were initially appointed as Lecturer in the erstwhile affiliated colleges made constituent unit in the 4th phase. The issue of 4th phase college was taken to the Apex Court and the Apex Court has authoritatively decided the issue of absorption in terms of Section 4 (1) (14) on the recommendation of the S.C. Agarwal



Commission. The Court issued direction to the concerned University to take step for absorption in terms of Section Section 4 (1) (14) holding that the power to absorption of the teaching and non-teaching employees exclusively vests in the University after the judgment of the Apex Court in the case of **State of Bihar Vs. Bihar Rajya MSESKK Mahasangh: (2005) 9 SCC 129.**

3. The University has examined the claim of the petitioners as the petitioners were included in the list appended to letter No. 181 (C). The University absorbed the services of the petitioners and later on at the dictate of the State Government decision was reviewed which issue was also considered by this Court in CWJC No. 17670 of 2017 and this Court has held out vide order dated 17.7.2018 that the decision of review of the notification of absorption is nullity and also directed the respondents to treat the petitioners as absorbed employees and grant all consequential benefits within a maximum period of four months.

In view of the decision of this Court dated 17.7.2018 in CWJC No. 17670 of 2017, the present writ petition is also disposed of with a direction to the University to treat the petitioners as absorbed employee and grant all consequential



benefits within a maximum period of four months from the date of receipt/production of a copy of this order.

3. With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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