

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12096 of 2009

1.Dr.Sanjay Sinha son of Dr. Anil Kumar Sinha, resident of 'PURNIMALAY'
4 H/46 Bahadurpur Housing Colony, District- Patna, posted as lecturer in
Department of Geology B.D. College (earlier known as B.D. Evening
College, Patna)

... .. Petitioner/s

Versus

1. The Magadh university, Bodh Gaya through its Registrar.
2. The Vice- Chancellor, Magadh University, Bodh Gaya.
3. The Registrar, Magadh University, Bodh Gaya.
4. The Principal Secretary to the Government, Department of Higher
Education, Government of Bihar, Patna.
5. The Principal Secretary to the Government, Department of Finance
Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pronoti Singh
For the Respondent/s : Mr. Madhukar Krishna Sinha Sc1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

8 10-08-2018 1. Heard learned counsel for the petitioner, counsel
appearing on behalf of the respondent as well as University.

2. Recently the issue raised in the writ petition was
adjudicated by this Court in C.W.J.C. No.17670 of 2017 by
order dated 17.07.2018. This Court has considered the entire
aspect of the matter and decided the similar issue raised in the
present writ application.

3. Petitioner was initially appointed as lecturer in the
then B.D. Evening College, Patna which was made constituent
unit of Magadh University in the 4th phase. The controversy as
to absorption under Section 4 (1) (14) was taken to the Apex



Court in case of Mahasangh reported in (2005) 9 SCC 129. It is to be noted that the Apex Court constituted one man committee of Justice S.C. Agarwal (Retd.) and after the report of Justice S.C. Agarwal Commission the Apex Court decided the issue in Mahasangh Case and directed the University to take decision for absorption of the teaching and non-teaching employee in the light of the report of Justice Agarwal Commission and the discussion of the Apex Court in judgment of Mahasangh case (Supra). The university examined the claim of the petitioner and petitioner was absorbed, but later on at the dictate of the State of Bihar the University reviewed its earlier decision and the notification of absorption of the petitioner. This Court has held out that the action of the respondent in reviewing the previous notification of absorption of the teaching and non-teaching employee issued by the University in the light of the report of Justice Agarwal Commission and discussion of the Apex Court is nullity and the Court categorically held out that teachers and non-teaching employee who were absorbed earlier have to be treated as absorbed employee and they may be provided with all consequential benefits and accordingly University was directed to work out the entitlement of such teacher and non-teaching employee within a period of four months from the date of



receipt/ production of a copy of this order on the similar one the writ petition is allowed and the respondents have to take final decision on consequential reliefs payable to the petitioner treating as absorbed employee within 4 months from the date of receipt/ production of the copy of the writ application.

4. With the aforesaid writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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