

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16928 of 2008

Dr. Raghubansh Kumar Son of Late Ram Lakhan Singh, resident of village-
Baibatpur, P.s.- Khusrupur, District- Patna, at present Assistant in Account
Section of Ram Krishna Dwarika College, Lohiya Nagar, Patna

... .. Petitioner/s

Versus

1. The Magadh University, Body Gaya, through its Registrar.
2. The Vice-Chancellor, the Magadh University, Bodh Gaya.
3. The Registrar, Magadh University, Bodh Gaya.
4. The Finance Officer, Magadh University, Bodh Gaya.
5. The Chancellor of the Universities, Raj Bhawan, Patna.
6. The Principal, Ram Krishna Dwarika College, Lohiya Nagar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bishnu Kant Dubey, Advocate
For the MU	:	Mr. Ritesh Kumar, Advocate
For the Respondent/s	:	Mr. Yugal Kishoreyugal Kishore

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

11 18-06-2018 Heard learned counsel for the petitioner and counsel
appearing on behalf of the State.

2. Petitioner has filed the present application for
direction to the respondent to fix his pay scale in appropriate
pay scale.

3. Learned counsel appearing on behalf of the
petitioner submits that the petitioner was appointed as Assistant
in Ram Krishna Dwarika College, Lohiya Nagar, Patna. He
submits that the case of the College in question was made
constituent in forth phase and issue with regard to absorption
was made under Section 4(1) (14) of the Bihar State



Universities Act. The matter was taken to the Apex Court in Civil Appeal No. 6098 of 1997 and the Apex Court accepted the recommendation of S.C. Agrawal Commission in the judgment reported in State of Bihar and Ors. V/s Bihar Rajya M.S.E.S.K.K. Mahasangh and Ors., (2005) 9 SCC 129.

4. The counsel for the petitioner referring to Annexure-3 submits that the respondent University has already taken decision to absorb the services of the petitioner, but till date they have not fixed the pay of the petitioner in the appropriate pay scale. The petitioner was entitled to absorption in terms of recommendation of S.C. Agrawal Commission. He submitted that superannuated in January 2018 and, as such, the writ application is required to be disposed of with a direction to the University to take final decision for grant of appropriate pay scale to which petitioner is entitled in terms of Annexure-3 i.e. the decision of the University to absorb the petitioner pursuant to the recommendation of the Justice S.C. Agrawal Commission and the judgment of the Apex Court in the case of State of Bihar and Ors. V/s Bihar Rajya M.S.E.S.K.K. Mahasangh and Ors. (Supra).

5. Accordingly, respondents are directed to take final decision in this regard within a period of three months from the



date of receipt/production of a copy of this order. Monetary benefit must also reach to petitioner within a further period of two months from the date of such decision.

6. Mr. Bishnu Kant Dubey referring to Annexure-30 submits that recently by the order of the Apex Court when the matter was referred to the Justice S.B. Sinha Commission, the case of the petitioner was also recommended by the Commission favourably, as evident from Annexure-30 to the writ application.

7. Considering the aforesaid, the University is directed to take final decision in the matter pay fixation in appropriate scale and monetary benefit of such decision must reach the petitioner within a time frame.

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

(Anil Kumar Upadhyay, J)

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