

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7726 of 2010**

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1. Binit Kumar Singh S/O Nityanand Singh R/O Vill.- Saropatti,  
P.S.- Singheshwar, Distt.- Madhepura
2. Kundan Prasad Singh S/O Late Baidyanath Prasad Singh R/O  
Vill.- Dhabauli, P.S.- Patarghat, Distt.- Saharsa ... .. Petitioner/s
- Versus
1. The Vice Chancellor, Bhupendra Narayan Mandal University, Madhepura
2. The Registrar, Bhupendra Narayan Mandal University Madhepura
3. The Finance Advisor, Bhupendra Narayan Mandal University, Madhepura
4. The State Of Bihar Through Commissioner Cum Secretary, Human Resources  
Development Department, Govt. Of Bihar, Patna
5. The Director, Higher Education, Human Resources Development Department,  
Govt. Of Bihar, Patna
6. The Principal, Sarb Narayan Singh, Ram Kumar Singh College, Saharsa  
... .. Respondent/s
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**Appearance :**

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| For the Petitioner/s | : | Mr. Sunil Kumar Singh                |
| For the Respondent/s | : | Mr. Pankaj Kumar Singh, AC to SC-14. |
| For BNMU             | : | Mr. Ritesh Kumar, Advocate           |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

6      21-08-2018                      Heard learned counsel for the petitioners and the  
counsel appearing on behalf of the State.

Petitioners have filed the present writ application for a  
direction to the respondent to make payment of arrears of salary  
which was stoooped since April, 2006.

Learned counsel for the petitioners submits that  
petitioners were appointed as non-teaching employees in the  
erstwhile affiliated college. The College in question was made  
constituent unit of L.N. Mithila University with effect from  
31.3.87. The petitioners were appointed in the college in  
question against the recommended post on 12.2.87 and as such  
they were appointed against the post which was pending for



sanction before the State Government.

The issue with regard to absorption of the fourth phase of the constituent college led to series of litigation and finally the Apex Court has adjudicated the issue after the report of Justice S.C. Agrawal Commission 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.**

The Apex Court issued direction to the University to take appropriate decision with regard to absorption of teaching and non-teaching staff of the erstwhile affiliated college in terms of Section 4(1)(14) of the Bihar State University Act.

After the decision of the Apex Court in Mahasangh (Supra) the case of the petitioners was examined by the University and the University absorbed the petitioners and they were subsequently paid salary up to March, 2006. Thereafter, the salary of the petitioners was stopped.

In second round litigation the matter was taken to the Apex Court in Krishana Nand Yadav's case and while deciding the issue on the report of S.B. Sinha Commission the Apex Court approved favourable recommendation of Justice S.B. Sinha Commission and granted liberty to those whose case was rejected by the Justice S.B. Sinha Commission to approach the



High Court.

After order of the Apex Court in Krishana Nand Yadav's case this court has occasion to decide several writ petitions and various aspect of the matter was examined by this Court while deciding C.W.J.C. No. 17670 of 2017 vide order dated 17.7.2018. This Court has taken note of the provisions of University Act and power of University under section 4(1)(14) and held out that once the University has taken decision to absorb the employees of taken over college in terms of judgment of the Apex Court in Mahasangh case (Supra) it is not open for the University to review any of its decision.

In view of the judgment of the Apex Court and decision of this Court in C.W.J.C. No. 17670 of 2017, the present writ application is also allowed. The respondents are hereby directed to treat the petitioners as absorbed employees and grant all consequential benefits within a period of four 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)**

Ravi/-

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