

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9028 of 2010

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Shaligram Pandey, S/O Late Narsingh Pandey, R/O Village- Khokhana, P.O. Bahapur, P.S. Karai Parsurai, District Nalanda, at Present Working as Laboratory Assistant, Shersah College, Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Higher Education, Department of Human Resources Development, Govt. of Bihar, Patna.
2. Veer Kunwar Singh University, Ara through its Registrar.
3. The Vice-Chancellor, Veer Kunwar Singh University, Ara.
4. The Registrar, Veer Kunwar Singh University, Ara.
5. The Finance Officer, Veer Kunwar Singh University, Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Behari Sinha, Advocate
		Mr. Neeraj Raj, Advocate
For the Respondent/s	:	Mr. P. Sharma, AC to SC-25
For the University	:	Mr. Kinkar Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 27-08-2018

Heard learned counsel for the petitioner and State as well as University.

2. The petitioner was appointed in the College in question as Laboratory Boy. The College was made constituent in 4th phase and later on the dispute as to absorption of teaching and non-teaching employees of the erstwhile college made constituent in 4th phase was taken to the Apex Court and the Apex Court constituted Justice S.C. Agrawal Commission and after the report of the Justice S.C. Agrawal Commission, the Apex Court decided the issue 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**. After the judgment of the Apex Court in **Mahasangh** case (supra), the University issued notification on 12.03.2005 whereby the petitioner was absorbed after approval of the Syndicate of the University contained in Memo No. R/776/05, which was subsequently modified vide notification dated 24.05.2006 (Annexure-4) to the extent that instead of Lab Boy he was absorbed as “Praogsala Wahak (Chemistry)”. After the decision of the University, the petitioner was paid salary up to 2009. Later on, the salary of the petitioner was stopped.

3. Learned counsel for the petitioner submits that till date status of the petitioner is of an absorbed employee and as such he is entitled for payment of arrears as well as current salary, as absorbed employee of the University.

4. Considering the relief prayed for in the present writ application and also the fact that similar issue has been examined by this Court in C.W.J.C. No. 17670 of 2017 and vide order dated 17.07.2018 the writ application has been allowed.

5. In view of the above, the writ application is allowed. The respondents are directed to ensure payment of arrears



and current salary to the petitioner within a period of four months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.08.2018
Transmission Date	

