

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10564 of 2010

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1. Santosh Kumar Singh, S/O Late Anirudh Prasad Singh, R/O Ward No. 18, At & P.O. Madhepura, Distt- Madhepura, Presently Working As Laboratory Incharge (Physics) in B. N. Mandal Vanijya Mahavidyalaya, Sahugarh, Madhepura
 2. Kunwar Kihore Kanhaiya, S/O Late Jai Narayan Mandal, R/O Ward No.18, At & P.O.Madhepura, Distt- Madhepura, Presently Working As Lab-Incharge (Chemistry) in B. N. Mandal Vanijya Mahavidyalaya, Sahugarh, Madhepura
- Petitioner/s

Versus

1. The State of Bihar through the Commissioner-Cum-Secretary to the Government in the Higher Education Department New Secretariat, Patna
2. B.N.Mandal University Lalunagar, Madhepura through its Vice Chancellor
3. The Vice-Chancellor, B.N.Mandal University, Lalunagar, Madhepura
4. The Registrar, B. N. Mandal University, Lalunagar, Madhepura
5. The Principal, B. N. Mandal Vanijya Mahavidyalaya, Sahugarh, Madhepura
6. Sri Ashok Kumar, S/O Vishnu Kumar, presently posted as Laboratory-In-Charge, Department of Zoology, B. N. Mandal Vanijya Mahavidyalaya, Sahugarh, Madhepura
7. Pitamber Prasad Yadav, S/O Late Bhakti Prasad Yadav, presently posted as Lab-Incharge in the Department of Chemistry, B. N. Mandal Vanijya Mahavidyalaya, Sahugarh, Madhepura

.... Respondent/s

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Appearance :

For the Petitioner/s :
For the Respondent/s : Mr. (SC1)
For the BNM University : Mr. Ritesh Kumar, Advocate
For Respondent nos. 6 & 7 : Mr. Pramod Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
Date: 06-09-2018

Heard Mr. Pramod Mishra, learned counsel appearing on behalf of private respondents and Mr. Ritesh Kumar, learned counsel for the B.N. Mandal University. None appeared on behalf of petitioners for the last several dates. Even today, none appears despite the case has been listed under the heading "For Dismissal".



2. The present writ application involves the issue of absorption of non-teaching employee of the erstwhile affiliated colleges, which was made constituent.

3. During the pendency of the writ application, the inter se dispute for absorption on the post of Lab. Incharge in the department of Chemistry was decided by Justice S. B. Sinha Commission. The favourable report of Justice S. B. Sinha Commission was accepted by the Apex Court in the case of Krishna Nand Yadav Vs. The State of Bihar & Ors. The Apex Court issued direction to the respondents to implement the favourable recommendation of Justice S.B. Sinha Commission.

4. In view of the above, the claim of the petitioners against respondent Pitamber Prasad Yadav and Ashok Kumar (Lab incharge Zoology) cannot be examined in the present proceeding, in view of the finality of the favourable report of Justice S. B. Sinha Commission as accepted by the Apex Court in Krishna Nand Yadav case.

5. In the event, there exist any other post on account of death, retirement or other eventuality, the University may consider the case of the petitioners, if they are working in the College in question regularly and they have the necessary qualification for the post on which they are claiming that they were appointed in the



affiliated College.

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

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.09.2018
Transmission Date	

