

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6738 of 2016

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Minu Chaudhary, Wife of Late Asoka Nand Chaudhary, resident of House of Sri Bhagwan Jha, Mithila Colony, (Near S.B.I.-A.T.M.), Lakshmi Sagar, P.S.-L.N.M.U. Town & District- Darbhanga (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Higher Education, Department of Human Resources Development, Govt. of Bihar, New Secretariat, Patna.
2. The Secretary, Higher Education, Department of Human Resources Development, Govt. of Bihar, New Secretariat, Patna.
3. The Director, Higher Education, Govt. of Bihar, Patna.
4. The Lalit Narayan Mithila University (L.N.M.U.), Kameshwar Nagar, Darbhanga through its Registrar, Darbhanga.
5. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Vice-Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
7. The Principal, Maharaj Lakshmeshwar Singh Memorial (M.L.S.M) College, Darbhanga (A Constituent Unit of Lalit Narayan Mithila University, Darbhanga).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Nath Jha, Advocate

For the Respondent/s : Mr. SC14- DR.ANSHUMAN

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 18-07-2018

Heard learned counsel for the petitioner, State and the University.

Heard learned counsel for the petitioner, State and the University.

Petitioner in this writ petition was initially appointed as teacher in the erstwhile private college which was made constituent in fourth phase. The name of the husband of the petitioner figures in the report of Justice S.C. Agrawal Committee. After judgment of the



Apex Court in **State of Bihar & Ors. vs. Bihar Rajya M.S.E.S.K.K. Mahasangh & Ors.**, reported in (2005) 9 SCC 129, the case of the husband of the petitioner was considered by the University and his service was absorbed.

In view of the decision in C.W.J.C. No. 17670 of 2017 the husband of the petitioner deserves absorption in terms of the direction of the Apex Court in the case of **Mahasangh** case (supra) and in view of the above, action of the University reviewing the order of absorption is hereby declared to be nullity. The respondents are directed to restore the husband of the petitioner in the status of absorbed teacher with all consequential benefits.

Final decision in this regard must be taken by the University within a period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	4.08.2018
Transmission Date	

