

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17575 of 2017

- =====
1. (Dr.) Surendra Jha, Son of Shri Saburi Jha, Resident of Village-haripur, Ghurna Bazar P.S. Haripur, Ghurna Bazar District-Araria
 2. Ajit Kumar Choudhary, Son of late Sahdev Choudhary, Resident of Village-Parwaha P.S. Forbesganj Distrit Araria
 3. Dileep Kumar, Son of late Yugal Prasad Resident of Village-Gamharia, P.S.-Gamharia District-Madhepura
 4. Anil Kumar Jha, Son of late Sadanand Jha, Resident of Village- Bankatta, P.S. Benipatti, District Madhubani.
 5. Narayan Jha (Dead), Lecturer in Philosophy K.B. Jha College Katihar through Legal Heir Wife Smt. Shanti devi Resident of Village-Bakhari P.S. Kursakata District Araria
 6. Surya Narayan Mandal (Dead), Lecturer in Commerce K.B. Jha College, Katihar through Legal Heir Wife of Smt. Sunayana Kumari Resident of Village-Dogachi Kewala P.S. Manihari, District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary Government of Bihar, Patna.
2. Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura, through its Registrar.
4. The Vice Chancellor, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
5. The Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Binodanand Mishra, Advocate
For the Respondent/s : Mr. Prabhakar JHA, GP-27

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 18-07-2018

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

Petitioners in this writ petition were initially appointed as
teachers in the erstwhile private college which was made constituent



in fourth phase. After the decision of take over, the State Government took a decision with regard to provisional absorption of the teaching staff and letter no. 181 (C) dated 18.12.1989 was issued and the name of the petitioners in this writ petition figure in the said letter no. 181(C) and pursuant to the aforesaid decision of the State Government they were provisionally absorbed in the services of the University and they were paid salary. 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 petitioners were considered by the University and their services were absorbed.

In view of the decision in C.W.J.C. No. 17670 of 2017 the petitioners deserve 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 petitioners in the status of absorbed teachers 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	28.07.2018
Transmission Date	

