

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3821 of 2018

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Dr. Pramila Pathak, wife of Dr. Ravindra Kumar Pathak, Resident of M.I.G. 87 Housing Board Colony, Shaheed Vaikunth Shukla Nagar, P.S.- Rampur, District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. Magadh University, Bodh Gaya through its Registrar.
3. Vice Chancellor, Magadh University, Bodh Gaya.
4. Registrar, Magadh University, Bodh Gaya.
5. Principal, S.B.A.N. College, Darheta- Lari, Arawal.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Advocate

For the Respondent/s : Mr. M. Pd. Yadav, GP23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 18-07-2018

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

2. The name of the petitioner in this writ application figures in the list of teachers to be provisionally absorbed in letter no. 181(c) dated 18.12.1989, but his services was not absorbed in the University.

3. The petitioner was paid salary, but formal order of his absorption was not issued.

4. In view of the judgment of the Apex Court 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 and the decision



in C.W.J.C. No. 17670 of 2017 the University is directed to absorb the services of the petitioner with all consequential benefits.

5. Considering the above, the University is required to examine the claim of the petitioner and if it is found that is regularly working and there exist vacancy the University is directed to take decision in the light of the judgment of Mahasangh case (Supra). The consequential benefit to this petitioner will accrue from the date of the decision by the University with regard to take over the petitioner in the light of Mahasangh case (Supra).

6. 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.

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

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2018
Transmission Date	

