

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6110 of 2012

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Thakur Ram Kumar Singh Son Of Late Bhubneshwar Prasad Singh Resident
Of Mohalla-Adarsh Colony, Panch Mandir Road, West Patel Nagar, Police
Station-Shastrinagar, District Patna-800024

... .. Petitioner/S

Versus

1. The Magadh University Through Its Registrar, Bodh Gaya, Gaya
2. The Vice Chancellor, Magadh University, Bodh Gaya, Gaya Null Null
3. The Registrar, Magadh University, Bodh Gaya, Gaya
4. The Principal, B.D. College, Mithapur, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Sr. Advocate
Mrs. Nutan Sahay, Mr. Ugranath Mallik,
Mr. Virendra Prasad, Mr. Sanjay Kumar
Advocates

For the University : Mr. Shivendra Kisore, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 18-08-2018

Heard learned counsel for the petitioner, counsel
appearing on behalf of the State as well as learned counsel
appearing for the University.

Petitioner was appointed as Laboratory Incharge,
Chemistry in the erstwhile affiliated B D Evening College,
Patna. The governing body of the college regularized the



services of the petitioner on 3rd sanctioned post. The college was made constituent in the year 1986 and after the college was made a constituent unit a list of teaching and non-teaching employees was called for from the Secretary and Principal of the college for their absorption in terms of Section 4(I)(14) of the Bihar State Universities Act, 1976.

The dispute as to absorption was decided by the Apex Court in the case of *State of Bihar vs. Bihar Rajya MSESCK Mahasangh [2005 (9) SCC 129]*. The Apex Court considering the report submitted by the Commission of Enquiry of Hon'ble Mr. Justice S C Agrawal (Former Judge of the Supreme Court) in relation to absorption issued direction to the concerned University to take steps for regularization. After the decision of the Apex Court in the case of *Mahasangh* (supra), once again a controversy arose as to the absorption of the teaching and non-teaching staff giving rise to the second round of litigation and the matter was taken to the Supreme Court, and the Apex Court constituted one-man Committee of Hon'ble Mr. Justice S B Sinha (Former Judge of the Supreme Court) and after the report of Justice Sinha Committee was submitted, the matter was examined by the Apex Court, and the Apex Court finally decided Krishna Nand Yadav's case.



Counsel appearing on behalf of the petitioner submits that the case of the petitioner was considered by Justice Sinha Commission and favourable report was submitted by Justice Sinha Commission. He also submitted that the favourable report of Justice Sinha Commission was accepted by the Apex Court in the case of ***Krishna Nand Yadav & Others vs. Magadh University & Others (Civil Appeal No. 2703 of 2017 and other analogous cases)***. Paragraph-20 of the judgment of the Apex Court in the case of ***Krishna Nand Yadav*** (supra) is affirming on the point that the favourable recommendation of Justice Sinha Commission is final and the concerned University was directed to act in accordance with the favourable recommendation of Justice Sinha Commission. Paragraph-20 of the judgment in ***Krishna Nand Yadav***'s case (supra) reads as follows:-

“20. In our opinion, the incumbents with respect to whom the favourable direction have been made by Justice Sinha, have to be acted upon by State Governments, and as such, they be implemented forthwith without any further delay within the outer limit of three months.”

In view of the above, the respondents are directed to work out the entitlement of the petitioner for all consequential benefits and grant him the consequential benefits within a



maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.08.2018
Transmission Date	N.A.

