

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23589 of 2013

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Sheela Devi W/O Late Murari Prasad, Peon, K.B. Jha College Katihar,
Resident Of Village- Janta Chouk, P.S And District- Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar Its Chief Secretary, Bihar, Patna
2. B.N. Mandal University, Laloo Nagar, Madhepura, Through Its Vice
-Chancellor.
3. Registrar, B.N. Mandal University, Laloo Nagar, Madhepura.
4. Principal, K.B. Jha College, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Man Bansh
For the Respondent/s : Mr. Prasoon Sinha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 04-09-2018 Heard learned counsels appearing on behalf the
petitioner, State as well as the University.

The grievance of the petitioner in the present writ
application is non-payment of salary despite the petitioner
claims that he is regularly working.

On behalf of the respondent a counter affidavit has
been filed wherein a stand was taken that this college was made
constituent in fourth phase and the issue of absorption of fourth
phase was taken up to the Supreme Court and the Apex Court
constituted Justice S.C. Agrawal Commission and on the basis
of report of Justice S.C. Agrawal Commission the final decision
was taken by the Apex Court in Mahasangh Case reported in
State of Bihar & Ors. vs. Bihar Rajya M.S.E.S.K.K.



Mahasangh & Ors. reported in (2005)9 SCC 129.

From the counter affidavit, it appears that the respondents admits the fact that the husband of the petitioner was in the list of non-teaching employee contained letter no. 25/c dated 12.02.1990.

In view of the above, the writ petition is disposed of with direction to the respondents to consider the case of the petitioner in the light of the judgment of this Court in C.W.J.C. No. 17670 of 2017 dated 17.07.2018 and pass appropriate order for payment of salary treating the case of petitioner's husband as entitled to absorption and consequently treating the case of the petitioner entitled to compassionate appointment and grant all consequential benefits in terms of notification contained in Annexure-4 within a 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)

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