

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.69 of 2018

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Ram Sihason Singh, Son of Late Yogindra Singh, resident of village- Gonikura,
P.S. Chandi, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar, through the Commissioner-cum-Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Deputy Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Director, Human Resources Development, Higher Education, Government of Bihar, Patna.
4. The Magadh University through its Vice-Chancellor, Magadh University, Bodhgaya.
5. Registrar, Magadh University, Bodhgaya.
6. The Finance Office, Magadh University, Bodhgaya.
7. The Principal Ramkrishna Dwarika College, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Verma, Advocate

For the Respondent/s : Mr. Madhaw Prasad 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, State and the

University.

The petitioner was initially appointed in R.K.D.

College, Patna at the time when the college was affiliated. In terms of

the policy decision of the State Government to convert the Colleges in

phase wise manner as constituent unit, the college in question was

made constituent Unit of Magadh University. After take over of the

College as constituent unit, on 12.02.1990 the State Government

issued letter no. 25(C) with regard to provisional absorption of non-



teaching employee, the name of the petitioner figures in the list in letter no. 25 (C). 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**, the University took decision to absorb the petitioner, which was subsequently reviewed by the University.

Considering the decision passed in C.W.J.C. No. 17670 of 2017, the writ application is allowed. The order reviewing the absorption of the petitioner is hereby declared as nullity. The respondents are directed to restore the petitioner the status of absorbed employee with all consequential benefits within a period of four months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.07.2018
Transmission Date	

