

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19032 of 2017

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1. Nand Kumar Singh, S/o Late Bhulan Singh, working as peon in Ram Lakhan Singh Yadav College, Aurangabad, permanent resident of Village- Bihari Bigha, P.S.- Akorhigola, District- Rohtas.
 2. Deoraj Yadav, S/o Late Banshi Yadav, working as peon in Ram Lakhan Singh Yadav College, Aurangabad.
 3. Kameshwar Paswan, S/o Nanhaku Paswan, working as peon in Ram Lakhan Singh Yadav College, Aurangabad.
 4. Dukhi Paswan, S/o Late Ramdeni Paswan, working as peon in Ram Lakhan Singh Yadav College, Aurangabad.
 5. Sheo Dutt Ram, S/o Sri Karamdeo Ram, working as peon in Ram Lakhan Singh Yadav College, Aurangabad.
 6. Sheo Nandan Ram, S/o Late Chanarik Ram, working as peon in Ram Lakhan Singh Yadav College, Aurangabad.
 7. Dewan Paswan, S/o Late Balkishun Paswan, working as peon in Ram Lakhan Singh Yadav College, Aurangabad.
 8. Rajendra Paswan, S/o Sri Jagnarayan Ram, working as peon in Ram Lakhan Singh Yadav College, Aurangabad.
 9. Ramadhar Yadav, S/o Jugal Yadav, working as peon in Ram Lakhan Singh Yadav College, Aurangabad.
 10. Krishna Kumar Singh, S/o Sri Ram Gahan Singh, working as peon in Ram Lakhan Singh Yadav College, Aurangabad.
 11. Satyendra Narain Singh, S/o Sri Niwas Singh, working as Lab Boy in the Department of Zoology in Ram Lakhan Singh Yadav College, Aurangabad.
 12. Nathuni Singh, S/o Sarju Singh, working as Lab Boy in the Department of Botany in Ram Lakhan Singh Yadav College, Aurangabad.
 13. Lalan Singh, S/o Late Lal Bahadur Singh, working as Lab Boy in the Department of Botany in Ram Lakhan Singh Yadav College, Aurangabad.
 14. Rajiya Devi, W/o Late Arun Kumar Singh, R/o Village- Baakh, P.S.- Akorhigola, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Higher Education, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Higher Education, Govt. of Bihar, Patna.
3. The Magadh University, Bodh Gaya through its Registrar.
4. The Vice Chancellor, Magadh University, Bodh Gaya at Bodh Gaya.
5. The Registrar, Magadh University, Bodh Gaya at Bodh Gaya.
6. The Finance Officer, Magadh University, Bodh Gaya at Bodh Gaya.
7. The Principal, Ram Lakhan Singh Yadav College, Aurangabad at Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Kumar, Advocate
For the Respondent/s : Smt. Shilpa Singh, GA-12

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER**

3 18-07-2018 Heard learned counsel for the petitioners, State and the University.

2. Learned counsel appearing on behalf of the petitioners in this writ application submits that the petitioners were initially appointed in the affiliated college on non-teaching post. They continued after take over and they were paid salary regularly, although their names were not included in Letter 25(C) issued by the State Government for provisional absorption. Learned counsel submits that the petitioners were regularly paid salary and decision was taken by the University for absorption, but at the dictate of the State Government, the University has not issued follow up notification of absorption.

3. Considering the fact that the decision of absorption is the domain of the University under Section 4 (1)(14) of the Bihar State Universities Act as held out by 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 State has no role to play in the matter of taking decision under Section 4 (1)(14) of the Bihar State Universities Act, the writ application is disposed of with a direction to the University to consider the case



of the petitioners and if it is found that the petitioners were appointed before the cut off date of take over and if they are regularly working and they have requisite qualification on the date of appointment and if the posts are available, the University will consider the case for absorption of the petitioners and take final decision without being influenced by the direction of the State Government for absorption under Section 4 (1)(14) of the Bihar State Universities Act.

4. Final decision in this regard must be taken by the respondent University within a period of four months from the date of receipt/production of a copy of this order. The consequential benefit will abide by the final decision of the University.

5. With the aforesaid, the writ applications stand disposed of.

(Anil Kumar Upadhyay, J)

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