

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19310 of 2017

=====

Mohini Devi, D/o Prof. Krishna Deo Choudhary, resident of Amla Tola, Katihar,
P.S./District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. B.N. Mandal University, Madhepura, through its Registrar.
4. The Registrar, B.N. Mandal University, Madhepura.
5. The Principal, K.B. Jha College, Katihar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sidhendra Narayan Singh

For the Respondent/s : Mr. MADHAW PRASAD YADAV -GP23

=====

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 K.B. Jha
College, Katihar 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 B. N. Mandal University, Madhepura. 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	28.07.2018
Transmission Date	

