

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10569 of 2017

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Madan Mohan Jha, Son of Late Vidya Nand Jha, resident of Mohalla- Sikandarpur,
P.O.- Mirjanhat, P.S.- Mojahidpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The T. M. Bhagalpur University, Bhagalpur through its Registrar.
2. The Vice Chancellor, T. M. Bhagalpur University, Bhagalpur.
3. The Registrar, T. M. Bhagalpur University, Bhagalpur.
4. The Finance Advisor, T. M. Bhagalpur University, Bhagalpur.
5. The Finance Officer, T. M. Bhagalpur University, Bhagalpur.
6. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
7. The Principal Secretary, Department of Human Resource Development,
Government of Bihar, Patna.
8. The Director, Higher Education Department, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binodanand Mishra, Advocate

For the Respondent/s : Mr. A.R. Pandey, AAG15

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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 Sabour

College, Sabour 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 T.M. Bhagalpur University, Bhagalpur.

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	

