

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.216 of 2018

Jitendra Nath Pathak S/o Late Vishwanath Pathak resident of Mohalla - Kali Bari, Binodpur, Katihar, P.S. Katihar, District Katihar.

.... Petitioner/s

Versus

- 1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
- 2. The Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna.
- 3. The Director, Higher Education, Bihar, Patna.
- 4. The Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura through its Registrar, P.S. and District - Madhepura.
- 5. The Vice-Chancellor, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura, P.S. and District - Madhepura.
- 6. The Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura, P.S. and District - Madhepura.
- 7. The Principal, K.B. Jha College, Katihar.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate
For the Respondent/s : Mr. MADANJEET KUMAR -GP20

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	

