

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15043 of 2008

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Mahendra Prasad Yadav, son of Late Indradeo Singh, resident of Village-Karma, PO + PS Jamhor, District- Aurangabad, at present working as peon in Ram Lakhan Singh Yadav College, Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, State of Bihar
2. The Vice-Chancellor, Magadh University, Bodh Gaya
3. The Registrar, Magadh University, Bodh Gaya
4. The Finance Officer, Magadh University, Bodh Gaya
5. The Secretary, Higher Education Department, New Secretariat, Patna, State of Bihar
6. The Finance Secretary-cum-Commissioner, State of Bihar, New Secretariat, Patna
7. The Principal, Ram Lakhan Singh Yadav College, Aurangabad, PO + PS and District-Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shailesh Kr.Singh, Advocate
For the University	:	Mr. Shivendra Kishore, Sr. Advocate
		Dr. Kumar Amitesh Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 20-08-2018

Heard learned counsel for the parties.

2. The present writ petition has been filed by the petitioner for a direction to the respondents to pay arrears of salary.

3. The petitioner was appointed in the erstwhile affiliated college which was made constituent in 4th phase. After the college was made constituent unit, the State Government, after



scrutiny, issued letter No. 25 (C) with respect to the non-teaching employees. The petitioner's name figures in the said letter.

4. The controversy as to absorption of teaching and non-teaching staff of the erstwhile college which was made constituent in the 4th phase, led to series of litigation and the Apex Court in the case of **State of Bihar Vs. Bihar Rajya MSESKK Mahasangh: (2005) 9 SCC 129**, considered the report of Justice S.C.Agrawal Commission and other governmental decisions and issued direction to the University to take final decision with regard to the absorption of teaching and non-teaching staff.

5. After the second round of litigation in the Supreme Court in the case of Krishnandan Yadav, the matter was examined by this Court in CWJC No. 17670 of 2017 and vide judgment dated 17.07.2018 various aspects of the matter including the issue involved in the present writ petition also have been answered.

6. In view of the judgment of this Court dated 17.07.2018 in CWJC No. 17670 of 2017, the writ petition is allowed. The respondents are directed to treat the petitioner as absorbed employee and grant all consequential benefits including salary. Final decision with regard to consequential benefits must be taken by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order.



7. With the aforesaid, the writ petition stands allowed
and disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.08.2018
Transmission Date	

