

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.511 of 2018

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1. Dr. (Smt.) Abha Rani D/o Sri Shyam Deo Yadav Reader, Department of Psychology, R.K.D. College Patna, District - Patna.
 2. Dr. (Smt.) Vidyawati Vyahut, D/o Late Harihar Prasad Reader, Department of Sanskrit, R.K.D. College Patna, District - Patna.
 3. Dr. Rameshwar Pd. Keshari S/o Late Ambika Prasad Reader, Department of Sociology, R.K.D. College Patna, District - Patna.
 4. Dr. Arbind Kumar S/o - Sri Siyaram Prasad Yadav Reader, Department of History, R.K.D. College, Patna, District - Patna.
 5. Dr. Yogendra Kumar Singh S/o Late Ram Naresh Singh Reader, Department of Mathematics, R.K.D. College, Patna, District - Patna.
 6. Dr. Bishwa Mohan Kumar S/o - Sri Mahendra Prasad Reader, Department of Physics, R.K.D. College, Patna, District - Patna.
 7. Dr. Pradhan Durga Shankar Prasad S/o - Late Pradhan Jamuna Prasad Reader, Department of Physics, R.K.D. College, Patna, District - Patna.
 8. Dr. Krishnandan Prasad Singh S/o - Late Muni Prasad Yadav Reader, Department of Zoology, R.K.D. College, Patna, District - Patna.
 9. Dr. Brajesh Kumar Rai S/o - Sri Ram Ishwar Rai Reader, Department of A.I. & A.S. R.K.D. College Patna, District - Patna.
 10. Sri Rajeshwar Singh S/o Late Babuchand Singh Reader, Department of A.I. & A.S. R.K.D. College Patna, District - Patna.

.... Petitioner/s

Versus

1. Magadh University, Bodh Gaya, through its Registrar, District - Gaya.
2. The Vice Chancellor, Magadh University, Bodh Gaya, District: Gaya.
3. The Registrar, Magadh University, Bodhgaya, District - Gaya.
4. Finance Officer, Magadh University, Bodh Gaya, District - Gaya.
5. The Principal, R.K. Dwarika College, Kankarbagh, Patna.
6. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
7. The Director, Higher Education, Deptt. of Education, Govt. of Bihar, Patna.
8. Authorized Officer, Pay Verification Cell, Department of Education, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Jha, Advocate
For the Respondent/s : Mr. Amit Bhushan, AC to GP-17
For the Magadh University : Mr. Shivendra Kishore, Sr. Advocate
Mr. Ritesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 16-03-2018

Heard learned counsel for the petitioners and the



respondents.

Many fold submissions have been advanced on behalf of the parties in order to support the writ application. The only issue relevant is whether the University is competent to alter the effect of the decision of the Apex Court. The answer is in negative. Once the Apex Court has decided the issue, the University and all concerned are obliged to act in accordance with the decision of the Apex Court.

Mr. Shivendra Kishore, learned senior counsel appearing for the University submits that the present writ application is pre-mature, as the University has not taken any decision, as the follow-up decision of the Pay Verification Cell does not find any merit in view of the fact that the Pay Verification Cell role is very limited and it has been held out in various cases that they have no role in the matter of pay fixation in the University as under the existing University Act and Statute there is statutory committee for such matter and as such the statutory committee is only competent to decide such lis. The claim of the petitioners is for grant benefit in terms of the decision of the Justice Agrawal Committee, which was accepted in toto in the Apex Court judgment in the case of State of Bihar & Ors. Vs. Bihar Rajya MSESKK Mahasangh & Ors, .reported in 2005(1) PLJR 464.



In view of the above, the writ application is disposed of with a direction to the respondents to take decision, if not already taken, with regard to entitlement of the petitioners for counting their seniority and consequential benefits on account of absorption of the petitioners in the services of the University within a maximum period of 60 days from the date of receipt/production of a copy of this order. The University is required to act strictly in accordance with the decision of the L.P.A. Court in LPA No. 218 of 2016, which stands affirmed by the Apex Court in Civil Appeal No. 2704 of 2017.

In view of the above, the order as contained in Annexures-7 series cannot sustain and are accordingly quashed.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.03.2018
Transmission Date	

