

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11156 of 2010

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(Dr.) Saroj Kumar Jha S/O Late Balgovind Jha R/O Vill.- Umari, P.S.-
Lakhnaur, Distt.- Madhubani

... .. Petitioner/S

Versus

1. State Of Bihar Through The Chief Secretary Govt. Of Bihar, Patna Null Null
2. Principal Secretary Human Resources Development Department, Govt. Of Bihar, Patna
3. Lalit Narayan Mithila University Kameshwar Nagar Darbhanga, Through Its Registrar
4. Vice Chancellor Lalit Narayan Mithila University, Kameshwar Nagar Darbhanga
5. Registrar Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga
6. Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga
7. Principal M.L.S.M.College, Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binodanand Mishra
For the Respondent/s	:	Mr. (Gal0)
For the University	:	Mr. Shivendra Kishore, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 13-08-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State as well as the University.

2. The petitioner was initially appointed as Lecturer in the erstwhile affiliated college. The issue of absorption of employees of 4th phase college was taken to the Apex Court in the case of **State of Bihar Vs. Bihar Rajya MSESCK Mahasangh: (2005) 9 SCC 129** and the Apex Court constituted one man Committee of Justice S.C. Agrawal and decided the issue of regularization of teachers and non-teaching employees of the colleges made constituent in the 4th phase and after the judgment



of the Apex Court the case of the petitioner was considered by the University and his service absorbed. However, in 2009 when the salary of the petitioner was stopped, the petitioner filed the present writ petition.

3. The dispute has been settled by the report of Justice S.B.Sinha Commission approved by the Apex Court in the case of Krishnandan Yadav that the post admissible against pending affiliation is also to be considered for consideration of the post for absorption and the case of the petitioner has to be examined in that light and if it is found that the post was available under the pending affiliation category, the University has to work out the claim of the petitioner and ensure payment of salary to the petitioner accordingly. Final decision must be taken in this regard and with regard to consequential benefits within a period of four months from the date of receipt/production of a copy of this order.

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

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.08.2018
Transmission Date	

