IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8460 of 2018

==========

Vijay Kumar, Son of Late Hari Nandan Mandal, Resident of Ward No. 2 Vidyapati, Madhepura, P.O. + P.S.- Madhepura, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Higher Education Govt. of Bihar, Patna.
2. The B.N. Mandal University through its Registrar having office at Laloo Nagar, Madhepura.
3. The Vice-chancellor, B.N. Mandal University having office at Laloo Nagar, Madhepura.
4. The Registrar, B.N. Mandal University having office at Laloo Nagar, Madhepura.
5. The Principal Parvati Science College, Kirti Nagar, Madhepura.
6. Dr. Subhas Kumar Poddar, Son of not Known to the petitioner, at present posted as Lecturer in the Department of Commerce, Parvati Science College Kirti Nagar, Madhepura, District- Madhepura.
7. Dr. Chandra Kishore Shah, Son of not known to the petitioner, at present posted as Lecturer in the department of Commerce, Parvati Science College Kirti Nagar, Madhepura, District- Madhepura.

.... Respondent/s

==========

Appearance :
For the Petitioner/s : Mr. Nikesh Kumar, Advocate
For the Respondent/s : Mr. JITENDRA KR. ROY NO. 1- SC13

==========

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
Date: 18-07-2018

Heard learned counsel for the petitioner, State and the University.

Petitioner in this writ petition was initially appointed as teacher in the erstwhile private college which was made constituent in fourth phase. After the decision of take over, the State Government took a decision with regard to provisional absorption of the teaching staff and letter no. 181 (C) dated 18.12.1989 was issued and the name of the petitioner in this writ petition figures in the said letter no. 181(C) and pursuant to the aforesaid decision of the State

WEB COPY

Government he was provisionally absorbed in the services of the University and he was paid salary. After judgment of the Apex Court in **State of Bihar & Ors. vs. Bihar Rajya M.S.E.S.K.K. Mahasangh & Ors.,** reported in **(2005) 9** SCC 129**,** the case of the petitioner was considered by the University and his service was absorbed.

In view of the decision in C.W.J.C. No. 17670 of 2017 the petitioner deserves absorption in terms of the direction of the Apex Court in the case of **Mahasangh** case (supra) and in view of the above, action of the University reviewing the order of absorption is hereby declared to be nullity. The respondents are directed to restore the petitioner in the status of absorbed teachers with all consequential benefits.

Final decision in this regard must be taken by the University within a period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.07.2018
Transmission Date	

WEB COPY