

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4066 of 2018

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1. Dr. Arun Kumar Thakur, Son of Late Hirday Kant Thakur, resident of At + P.O.- Barha, P.S.- Arerh, District- Madhubani.
 2. Dr. Lakshmi Narayan Thakur, Son of Late Bhagwat Thakur, resident of At + P.O.- Yamsham, P.S.- Pandaul, District- Madhubani.
 3. Dr. Tej Narayan Thakur, son of Late Ram Karan Thakur, Resident of at Balbhadrapur, P.)- Laheriasarai, P.S.-Laheriasarai, District- Darbhanga.
 4. Prof. Rati Kant Jha, Son of Late Kamala Kant Jha, Resident of At + P.O.- Koilakh, P.S.- Rajnagar, District- Madhubani.
 5. Dr. Rambalak Chaudhary, Son of Late Madhukant Choudhary, resident of At- Sahora, P.O.- Anandpur, P.S.- A.P.M. Rameshwar Nagar, District- Darbhanga.
 6. Usha Kumari, Wife of Shri Umesh Mishra, Resident of Mohalla- Dil Khush Bagh (Ram Bagh), Post- Darbhanga, P.S. Sadar, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. L.N. Mithila University, Darbhanga through its Registrar.
3. Vice Chancellor, L.N. Mithila University, Darbhanga.
4. Registrar, L.N. Mithila University, Darbhanga.
5. Principal, M.L.S.M. College, Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Advocate

For the Respondent/s : Mr. M. P. Yadav, GP-23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 18-07-2018

Heard learned counsel for the petitioners and State as well as University

In this writ application, there are six petitioners. Out of six petitioners, petitioner nos. 1, 2 and 6 were appointed as teaching staff in the erstwhile affiliated College, which was made constituent in 4th phase. After the decision of take over, the State Government issued letter no. 181(C) dated 18.12.1989. Name of the petitioner nos. 1, 2 and 6 figures in the said list and subsequently 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 their services, later on that decision was reviewed.

So far as petitioner nos. 3 to 5 are concerned, they were appointed as teacher. Their names figure in the supplementary list issued by the State Government i.e. letter no. 36(C) dated 24.02.1990 and after the judgment of the Apex Court in the case of **Mahasangh** case (supra), their services were absorbed, but later on the decision was reviewed by the University at the dictate of the State Government.

In view of the decision passed in C.W.J.C. No. 17670 of 2017 reviewing the earlier notification of absorption is hereby declared as nullity. The respondents are directed to restore these petitioners in the status of absorbed employee with all consequential benefits. Final decision in this regard must be taken by the respondent 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 disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

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

