

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5816 of 2018

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1. Md. Ansarul Haque Khan Son of Late Md. Mazharul Haque Khan Resident of Village - Sourajan, P.O. - Fulkahi, P.S. - Jairam Raghobpur, District - Supaul.
 2. Dr. Ram Chaitanya Jha @ Ramchaitanya Dhiraj son of Late Krishna Chaitanya Jha resident of Mohalla - Manas Nagar, Ward No. 32, Hatia Gachhi, P.O., P.S. and District - Saharsa.
 3. Mithilesh Kumar Roy son of Late Laxmikant Roy resident of Village - Baghula, P.O. - Bapulpur, P.S. - Simri Bakhtiyarpur, District - Saharsa.
 4. Arvind Kumar Mishra son of Late Sudhakar Mishra resident of Mohalla - Manas Nagar, Ward No. 32, Hatia Gachhi, P.O., P.S. and District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Bihar, Patna.
4. The Vice-Chancellor, B.N.M.U., District - Madhepura.
5. The Registrar, B.N.M.U. P.O., P.S. and District - Madhepura.
6. The Principal, R.M. College, Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Ravi Shankar

For the Respondent/s : Mr. KAMESHWAR KUMAR- GP17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 18-07-2018

In this case, there are four petitioners. All the petitioners are teachers. Out of four petitioners, the name of petitioner nos. 1, 3 and 4 figure in letter no. 181(C), whereas name of petitioner no.2 figures in letter no. 36 (C).

Learned counsel for the petitioners submits that all the petitioners are regularly working and they have been paid salary and they were also absorbed by the University. Later on, their absorption was reviewed by the University.



In view of the decision passed in C.W.J.C. No. 17670 of 2017, the writ application is allowed. The decision of absorption of the petitioners is hereby declared as nullity 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 respondents are directed to restore these petitioners in the status of absorbed employee with all consequential benefits.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07.08.2018
Transmission Date	

