

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5185 of 2018

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Dr. Md. Ali Niyazi, Son of Late Neyaz Ahmad, Resident of Village- Paigambarpur,
P.S.-Singhwava, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna.
2. B.R. Ambedkar University, Muzaffarpur through its Registrar
3. Vice Chancellor, B.R. Ambedkar University, Muzaffarpur.
4. Registrar, B.R. Ambedkar University, Muzaffarpur.
5. Principal, Samta College, Jandaha, District-Vaishali.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. A.R. PANDEY- AAG15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 18-07-2018

Heard learned counsel for the petitioner and State as well
as University.

2. The name of the petitioner in this writ application figures in the list of teachers to be provisionally absorbed in letter no. 181(c) dated 18.12.1989, but his services was not absorbed in the University.

3. The petitioner was paid salary after the college was made constituent unit, but formal order of his absorption was not issued on the pretext of non-sanction of 2nd post of Urdu and service of petitioner was terminated on 05.09.2009, which was stayed on 17.12.2009 in C.W.J.C. No. 13552 of 2009.

4. The issue as to deemed sanction of post on grant of



affiliation pursuant to letter of the State Government was considered by Justice S. B. Sinha (Retd.) Commission and the post was treated as deemed sanction for absorption.

5. In view of the judgment of this Court in C.W.J.C. No. 17670 of 2017 the University is directed to absorb the services of the petitioner with all consequential benefits.

6. 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.

7. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.08.2018
Transmission Date	

