

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6232 of 2018

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Brahmeshwar Pathak son of late Keshav Pathak, R/o Village & P.O. Chhatiyani, P.S.- Narnaut, District- Nalanda (Bihar)

... .. Petitioner/s

Versus

1. The State Of Bihar through its Secretary, Govt. of Bihar, Patna
2. The Vice Chancellor, Magadh University, Bodh Gaya, Bihar
3. The Registrar, Magadh University, Bodh Gaya, Bihar
4. The Principal Secretary, Education Department, (Higher Education), Govt. of Bihar, Patna
5. The Principal Secretary, Finance Department, Govt. of Bihar, Patna
6. The Principal, Sri Guru Govind Singh College, Patna City, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr. M. Pd. Yadaw-Gp23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 19-07-2018

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

2. Mr. Shashi Bhushan Kumar, learned counsel appearing on behalf of the petitioner submits that petitioner was appointed as Steno in Guru Govind Singh College, Patna City and at the time when the college was affiliated it was in Magadh University. After the college was made constituent in the 4th phase, the State Government issued letter No. 25C and the name of the petitioner figures in the said letter.

3. Learned counsel for the petitioner further submits that the University has taken decision pursuant to the direction of the Apex Court in the case of State of Bihar Vs. Bihar Rajya



MSESKK Mahasangh: (2005) 9 SCC 129 for absorption of the petitioner. After the notification of absorption, the said decision was reviewed by the University. Counsel submits that the University has no jurisdiction to review its earlier decision as the said decision was taken pursuant to the direction of the Apex Court.

4. The decision of review is hereby declared as null and void.

5. In view of the decision rendered by this Court in CWJC No. 17670 of 2017, this writ petition is allowed. The respondent-University is hereby directed to treat the petitioner as absorbed employee and restore the same status and grant all consequential benefits to the petitioner treating him as absorbed employee within a period of four months.

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

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.07.2018
Transmission Date	

