

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2627 of 2018

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Santosh Kumar Pandey, son of Late Brahmeshwar Pandey, presently residing at Rental Flat No. 175, Kankarbagh Colony, P.O.- Lohianagar, Police Station- Kankarbagh, District and Town of Patna- 800020.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Magadh University, Bodh- Gaya, District- Gaya through its Registrar.
4. The Vice- Chancellor, Magadh University, Bodh- Gaya, District- Gaya.
5. The Registrar, Magadh University, Bodh- Gaya, District- Gaya.
6. The Finance Officer, Magadh University, Bodh- Gaya, District- Gaya.
7. The Principal, Ram Krishna Dwarika College, Lohianagar, Kankarbagh, Patna- 800020.
8. Ranvijay Kumar, Son of (not known to the petitioner), presently posted as Assistant Professor, Department of Botany, Ram Krishna Dwarika College, Lohianagar, Kankarbagh, Patna- 800020.
9. Ram Nandan Prasad, Son of (not known to the petitioner), presently posted as Associate Professor, Department of Botany, Ram Krishna Dwarika College, Lohianagar, Kankarbagh, Patna- 800020.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyanand Roy

For the Respondent/s : Mr. JITENDRA KR. ROY NO.1- SC13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 18-07-2018

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

2. 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 figures in the said letter no. 181(C) and



pursuant to the aforesaid decision of the State Government he was provisionally absorbed in the services of the University and he was paid salary. After judgment of the Apex Court in **Mahasangh case**, the case of the petitioner was considered by the University and he was absorbed.

3. 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 **State of Bihar & Ors. vs. Bihar Rajya M.S.E.S.K.K. Mahasangh & Ors.**, reported in (2005)9 SCC 129 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 the status of absorbed teacher with all consequential benefits.

4. 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.

5. 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	

