

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.4459 of 2018**

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1. Baban Dubey, S/o Yongal Dubey, R/o Village & P.O.- Pauthu, P.S.- Jamhara, Distt.- Aurangabad (Bihar).
  2. Suraj Kumar, S/o Late Ram Bachan Rai, R/o village & P.O. Tiskhora, P.S. Naubatpur, Distt.- Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar through its Secretary, Govt. of Bihar, Patna.
2. The Vice Chancellor, Magadh University, Bodhgaya, Bihar.
3. The Registrar, Magadh University, Bodhgaya, 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

For the Respondent/s : Mr. Madanjit Kumar- GP20

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL JUDGMENT**

**Date: 18-07-2018**

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

The petitioners were initially appointed as Lab  
Technician (Chemistry) and (Psychology) respectively in G.G. Singh  
College, Patna City, Patna at the time when the college was affiliated.  
In terms of the policy decision of the State Government to convert the  
Colleges in phase wise manner as constituent unit, the college in  
question was made constituent Unit of Magadh University. After take  
over of the College as constituent unit on 12.02.1990, the State  
Government issued letter no. 25(C) with regard to provisional



absorption of non-teaching employees, the name of the petitioners figure in the list in letter no. 25 (C). 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 the petitioners, which was subsequently reviewed by the University.

Considering the decision passed in C.W.J.C. No. 17670 of 2017, the writ application is allowed. The order reviewing the absorption of the petitioners is hereby declared as nullity. The respondents are directed to restore the petitioners the status of absorbed employees with all consequential benefits within a period of four months from the date of receipt/production of a copy of this order.

**(Anil Kumar Upadhyay, J)**

Uday/-

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| AFR/NAFR          | NAFR       |
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