

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1989 of 2018

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Rishav Verma, Son of Late Kameshwar Prasad, Resident of Bettiha, P.S.+P.O.-
Bettiha Nagar, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Baba Saheb Bhim Rao Ambedkar University, Muzaffarpur through its Vice Chancellor.
4. The Vice Chancellor, Baba Saheb Bhim Rao Ambedkar, University, Muzaffarpur
5. The Registrar, Baba Saheb Bhim Rao Ambedkar University, Muzaffarpur.
6. The Proctor, Baba Saheb Bhim Rao Ambedkar University, Muzaffarpur.
7. The Principal, Ramlakhan Singh Yadav College, Bettiah

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Advocate

For the Respondent/s : Smt. Binita Singh, SC-28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 18-07-2018

Learned counsel for the petitioner submits that the case of the petitioner was not considered for compassionate appointment on the ground that the services of the father of the petitioner was not absorbed by the University. Learned counsel submits that there was some dispute as to the position on which the father of the petitioner was entitled to absorption. The petitioner was appointed as Librarian, but his services as Librarian was not absorbed. However, he submits that the petitioner was worked as Routine Clerk and the Syndicate of the University has taken a decision in favour of the father of the petitioner, but it was not notified due to the dictate of



the State Government, as a result thereof the case of the petitioner was not considered for compassionate appointment.

In view of the above, the writ application is disposed of with a direction to the University to examine whether the father of the petitioner was eligible for absorption on the post of Routine Clerk and on the date of appointment whether the father of the petitioner was eligible for the said post and the post was available for consideration of his absorption. If the University finds that the father of the petitioner was eligible for absorption, the University may issue appropriate notification notwithstanding the direction of the State Government not to issue notification as the University has jurisdiction in the matter of absorption under Section 4 (1) (14) of the Bihar State Universities Act and the University is not expected to act on the dictate of the State Government in view of the law laid down by 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 is hereby directed to take final decision on the claim of the petitioner with regard to absorption of the father of the petitioner and if the University decides to absorb the father of the petitioner then the petitioner would be entitled for consideration of his case for compassionate appointment. Final decision in this regard must be taken by the respondent University



within a period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.08.2018
Transmission Date	

