

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3310 of 2018

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Shashi Shekhar Yadav son of Late Rameshwar Prasad Mandal resident of
Mohalla - Krishnapuri, Ward No. 14, P.S. and District - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
3. The Director (Higher Education), Department of Education, Government of Bihar, Patna.
4. The Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura through its Registrar.
5. The Vice-Chancellor, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
6. The Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
7. The Principal, B.N.M.V. College, Sahugarh, Madhepura.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2438 of 2018

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Umendra Kumar @ Umendra Prasad Yadav, Son of Late Yogendra Yadav, at
present working as Lab Incharge, Department of Zoology, Parvati Science
College, Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Higher Education, Human Resources Development Department, Government of Bihar, New Secretariat, Patna.
3. The Director (Higher Education), Human Resources Development Department, Government of Bihar, Patna.
4. The Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura through its Registrar.
5. The Vice Chancellor, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
6. The Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra
For the Respondent/s : Mr. Madanjeet Kumar- GP-20



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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 18-07-2018

Heard learned counsel for the petitioners and learned counsel appearing on behalf of the University and the State.

Mr. Pramod Mishra, learned counsel for the petitioners submits that the petitioners were appointed as Store Keeper and Laboratory Incharge in the year 1978 and 1982 in the colleges in question respectively and the College was made constituent Unit with effect from 30.4.1986. The names of the petitioners figure in the letter No. 25C dated 12.2.1990. The petitioners were granted provisional absorption in the year 1990 in terms of the said letter No. 25C. Counsel submits that the petitioners after attaining the age of superannuation retired from their services.

Considering the fact that the petitioners names figure in letter No. 25C and they were absorbed in the services of the University, the decision of the University reviewing the earlier notification of absorption is hereby declared nullity as there is no power of review. The respondent-University is directed to restore the petitioners' status of absorbed employees and grant consequential benefits including post retiral benefits within a maximum period of three months from the date of receipt/production of a copy of this order.



With the aforesaid, both the writ petitions stand allowed
and disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.07.2018
Transmission Date	

