

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4425 of 2018

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Dr. Lakshman Sah, aged about 60 years, Son of Late Ramji Sah, presently working as Lecturer, Department of Zoology, R.K.D. College, Lohia Nagar, Kankarbagh, Patna. Resident of Bhojpur Colony, Road No. 08, Ram Lakhan Path, Ashok Nagar, Patna- 20.

.... Petitioner/s

Versus

1. The State of Bihar, through, Principal Secretary, Human Resources Development Department (Higher Education), Government of Bihar, Patna.
2. The Additional Commissioner-cum- Secretary, Human Resources Development Department (Higher Education), Government of Bihar, Patna.
3. The Joint Secretary, Directorate of Higher Education, Government of Bihar, Patna.
4. The Director, Directorate of Higher Education, Government of Bihar, Patna.
5. The Magadh University, through, Registrar, Magadh University, Bodh Gaya, Gaya.
6. The Vice Chancellor, Magadh University, Bodh Gaya, Gaya.
7. The Registrar, Magadh University, Bodh Gaya, Gaya.
8. The Principal, Ram Krishna Dwarika College, Lohia Nagar, Kankarbagh, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate
For the Respondent/s : Smt. Binita Singh-SC28

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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.

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 in this writ petition 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 **State of Bihar & Ors. vs. Bihar Rajya M.S.E.S.K.K. Mahasangh & Ors.**, reported in (2005) 9 SCC 129, the case of the petitioner was considered by the University and his service was absorbed.

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 **Mahasangh** case (supra) 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 in the status of absorbed teachers with all consequential benefits.

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.

With the aforesaid, the writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.07.2018
Transmission Date	

