

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4893 of 2018

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Dr. Arun Kumar, S/o Sri Madan Mohan Sharma, Resident of Village- Parsawan,
P.O. Tarari, P.S. Koch, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Higher Education Govt. of Bihar, Patna.
2. The Magadh University through its Registrar having Office at Bodh Gaya, District- Gaya.
3. The Vice- Chancellor, Magadh University having Office at Bodh Gaya, District- Gaya.
4. The Registrar, Magadh University, Bodh Gaya, District- Gaya.
5. The Principal, Guru Govind singh College, Panta City, District- Patna.
6. Sri. Ambuj Kishore Jha, S/o name not known to the Petitioner, Presently working at Associate Professor in the AI & AS, Department of Sri Guru Govind Singh College, Patna City, District- Patna.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. S.C.Mishra -SC16

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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	

