

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18851 of 2017

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Rajesh Kumar, Son of Sri Yamuna Prasad Gupta, Resident of Mohalla-
Baryahi Bazar, P.S.- Bangaon, District- Saharsa.... .. Petitioner/s

Versus

1. The State of Bihar.
 2. The Principal Secretary, Human Resource Department, Government of Bihar,
New Secretariat Building, Bihar.
 3. The Vice Chancellor, B.N. Mandal University, Laloo Nagar, Madhepura.
 4. The Registrar, B.N. Mandal University, Madhepura.
 5. The Finance Officer, B.N. Mandal University, Madhepura.... .. Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh, Advocate
For the Respondent/s : Mr. Prabhakar Jha -GP27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 18-07-2018

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

2. The petitioner is claiming appointment on the post of
Lab Incharge in Botany Department.

3. Learned counsel for the petitioner submits that the
petitioner was appointed in the college in question on 20.2.1987.
He submits that the case of the petitioner was considered by the
University after judgment in **State of Bihar Vs. Bihar Rajya**
MSESKK Mahasangh: (2005) 9 SCC 129 but he was never
paid salary till date. He submits that in the case of the petitioner
affidavit was filed before Justice Agrawal Commission by the
University incorporating the fact that the petitioner was working in
the college in question against the admissible post.

4. Learned counsel for the University submits that the
petitioner was never recognized as an employee and he was never



paid salary after take over of the college in question. His name does not figure in Justice Agrawal Commission nor in the list of letter No. 25C. He further submits that in view of the fact that the petitioner was never paid salary, he does not deserve consideration of his case for absorption.

5. Considering the fact that the name of the petitioner does not figure in letter No. 25C or in the list of Justice Agrawal Commission, the Court is not in a position to grant any positive relief. However, he claims that he was appointed prior to take over of the college in question and he has requisite qualification, the University may consider his case for absorption in view of the discussions made in the order dated 17.07.2018 in CWJC No. 19670 of 2018.

6. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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