

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11212 of 2012

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Smt. Geeta Sinha W/O Late Binay Bhushan Sahay, D/O Late Satyanand Sinha R/O Anishabad, Near Beur Zail, P.S.- Phulwarisharif, Distt.-PATNA, At Present Working As Librarian, Ganga Devi Mahila College, Kankerbagh, Patna-20

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Education Department, Govt. Of Bihar, Patna
3. The Director Higher Education, Govt. Of Bihar, Patna
4. Magadh University, Bodhgaya Through Its Vice Chancellor Magadh University, Bodhgaya
5. The Registrar, Magadh University, Bodhgaya
6. The Finance Officer, Magadh University, Bodh Gaya
7. The Finance Advisor, Magadh University, Bodhgaya
8. The Principal, Ganga Devi Mahila College, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Respondent/s : Mr. Kumar Amitesh Chandra

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 05-07-2018 Learned counsel for the petitioner submits that petitioner was holding qualification of librarian but the service of the petitioner was absorbed as ‘Shorter’.

Learned counsel appearing on behalf of the University submits that this issue is now a close chapter as the matter was considered by Justice S.C. Aggrawal Commission and the report of Justice S.C. Aggrawal Commission was accepted by the Apex Court in toto in the case of **State of Bihar & Ors. vs. Bihar Rajya M.SE.S.K.K. Mahasangh & Ors. reported in (2005)9 SCC 129** and in view of the fact that



the report of Justice S.C. Aggrawal Commission has attained finality and it has merged in the judgment of the Apex Court in **Mahasangh** (Supra), the Court is unable to reopen the matter as to the absorption of the petitioner as 'Shorter' is concerned. The other grievance of the petitioner with regard to recovery is concerned, in view of the law laid down by the Apex Court in the case of **State of Punjab & Ors. Vs. Rafiq Masih (white washer), etc: 2015(1) PLJR (SC) 261=(2015) 4 SCC 334**, writ petition is disposed of with direction to the respondents to act in accordance with law laid down by the Apex Court in the Rafiq Masih (Supra) and if it is found that there is no laches and fraud on the part of the petitioner, there shall be no recovery from the alleged excess amount paid to the petitioner.

The order contained in Annexure-14 dated 23.3.2012 is hereby quashed.

Ravi/-

(Anil Kumar Upadhyay, J)

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