

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16966 of 2012

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Ravindra Kumar Son Of Late Munilal Yadav Resident Of Villae - Tulsiya,
Police Station - Behariganj, District - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government Of Bihar, Patna.
3. The Director, Higher Education Department, Government Of Bihar, Patna.
4. The B.N. Mandal University, Laloo Nagar, Madhepura Through Its Registrar.
5. The Vice-Chancellor, B.N. Mandal University, Laloo Nagar, Madhepura.
6. The Registrar, B.N. Mandal University, Laloo Nagar, Madhepura.
7. The Finance Officer, B.N. Mandal University, Laloo Nagar, Madhepura.
8. The Principal, Parvati Science College, Kirtinagar, Madhepura, District - Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gyanand Roy, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar, SC-27
For the University	:	Md. Aslam Ansari, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 23-08-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State as well as University.

The issue raised in the present writ application is now no more res integra in view of the fact that in the second round of litigation in the case of **Krishna Nand Yadav**, the Apex Court constituted one man commission of Justice S.B. Sinha (Retd.). The Commission enquired into the factual aspect of the matter and then submitted report. The favourable report of Justice S.B. Sinha Commission was accepted by the Apex Court in Krishna Nand Yadav's case in para-20 of the said judgment the Apex Court categorically held out that favourable report of



Justice S.B. Sinha Commission has to be implemented within a period of three months.

The respondent State as well as University is obliged to act upon the judgment of the Apex Court in Krishnanand Yadav case. So far as favourable recommendation of the Justice S.B. Sinha Commission is concerned, learned counsel appearing on behalf of the petitioner submits that the case of the petitioner was considered by Justice S.B. Sinha Commission and favourable recommendation was made by the Justice S.B. Sinha Commission for absorption of the petitioner which was earlier also absorbed after judgment of the Apex Court in Mahasangh case (Supra) but subsequently that decision was reviewed by the Vice-Chancellor although the Vice-Chancellor has no such jurisdiction to review under the scheme of the University Act. Once the Apex Court has approved the recommendation of the Justice S.B. Sinha Commission in Krishnanand Yadav's case, the respondents are duty bound to implement the report of Justice S.B. Sinha Commission in its letter and spirit.

Accordingly, the present writ application is allowed. The respondent University is directed to work out the entitlement of the petitioner, treating the petitioner as absorbed employee and grant all consequential benefit at the earliest



preferably within a period of four months from the date of receipt/production of a copy of this order, if not already implemented.

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

(Anil Kumar Upadhyay, J)

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