

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9522 of 2018

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Sheo Keshwar Mistri, son of Late Neeman Mistry, resident of Village- Hasauli,
P.S.- Aurangabad, District- Aurangabad, Bihar working as Peon in (Non- teaching)
In Kshiori Sinha Mahila College, Magadh University, Aurangabad, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Higher Education, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
2. The Principal Secretary, Department of Higher Education, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
3. The Secretary, Department of Education, Government of Bihar, Patna.
4. The Magadh University through its Registrar, Bodh Gaya, Gaya.
5. The Vice- Chancellor, Magadh University, Bodh Gaya, Gaya.
6. The Registrar, Magadh University, Bodh Gaya, Gaya.
7. Finance Officer, Magadh University, Bodh Gaya, Gaya.
8. The Principal, Kishori Sinha Mahila College, District- Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ugranath Mallik, Advocate

For the Respondent/s : Mr. Madhaw Prasad Yadav, GP23

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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.

The petitioner was initially appointed in K. S. M.

College, Aurangabad at the time when the college was affiliated. In

terms of the policy decision of the State Government to convert the

Colleges in phase wise manner as constituent unit, the college in

question was made constituent Unit of Magadh University. After take

over of the College as constituent unit, on 12.02.1990 the State

Government issued letter no. 25(C) with regard to provisional



absorption of non-teaching employee, the name of the petitioner figures in the list in letter no. 25 (C). In view of the judgment of the Apex Court in the case of **State of Bihar & Ors. Vs. Bihar Rajya M.S.E.S.K.K. Mahasangh & Ors.**, reported in **(2005) 9 SCC 129**, the University took decision to absorb the petitioner, which was subsequently reviewed by the University.

Considering the decision passed in C.W.J.C. No. 17670 of 2017, the writ application is allowed. The order reviewing the absorption of the petitioner is hereby declared as nullity. The respondents are directed to restore the petitioner the status of absorbed employee with all consequential benefits within a period of four months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

Uday/-

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

