

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18268 of 2017

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1. Nripendra Kumar Singh, S/o Gajendra Prasad Singh, Lecturer in Economics, Kishori Sinha Mahila College, Aurangabad, Resident of D/04, B.S.E.B Colony, P.S.- Chandauti, Distt.- Gaya.
 2. Bhushan Kumar, S/o Late Ramchandra Singh, Lecturer in Pali, Kishori Sinha Mahila College, Aurangabad, Resident of Mohalla- Unta, P.S. and Dist.- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Higher Education, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Higher Education, Govt. of Bihar, Patna.
3. The Magadh University, Bodh Gaya through its Registrar.
4. The Vice Chancellor, Magadh University, Bodh Gaya at Bodh Gaya.
5. The Registrar, Magadh University, Bodh Gaya at Bodh Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Kumar, 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

The name of the petitioners in this writ application figure in the list of teachers to be provisionally absorbed in letter no. 181(C) dated 18.12.1989, but their services were not absorbed in the University. The petitioners were paid salary, but formal order of their absorption was not issued.

2. 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** and the decision in C.W.J.C. No. 17670 of 2017 the University is directed to absorb the services of



the petitioners with all consequential benefits.

3. In view of the above, the University is required to examine the claim of the petitioners and if it is found that they are regularly working and there exist vacancy the University is directed to take decision in the light of the judgment of **Mahasangh** case (Supra). The consequential benefit to these petitioners will accrue from the date of the decision by the University with regard to take over the petitioners in the light of **Mahasangh** case (Supra).

4. 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.

5. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

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

