

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.473 of 2018

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Mohammad Sadre Alam, Son of Quadrat Alam, Resident of Chhoti Masjid Ke Najdik, Adarsh Nagar, Ward No.8, Nagar Parishad, Madhepura at present Working as Lab In-Charge, Home Science, B.N.M.V. College, Sahugarh, District-Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
2. The Principal Secretary, Department of Human Resources Development Department, Govt. of Bihar, Patna
3. The Director, Higher Education, Bihar, Patna.
4. The B.N. Mandal University through its Registrar, Madhepura.
5. The Vice-Chancellor, B.N. Mandal University, Lalu Nagar, Madhepura.
6. The Registrar, B.N. Mandal University, Lalu Nagar, Madhepura.
7. The Principal, B.N.M.V. College, Sahugarh, Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

For the Respondent/s : Mr. J.k. Roy No.1, SC13

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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 B.N.M.V. College, Sahugarh, Madhepura 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 B. N. Mandal 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	

