

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.576 of 2018

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Dr. Binita Jha, D/o-Sri Dinesh Jha, at Present Working as Lecturer Department of Maithili, Rajendra Mishra College, Saharsa Resident of Mohalla- Gangjala, P.S. Saharsa Town, District-Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Principal Secretary, Human Recourses Development Department, Govt. of Bihar, Patna
3. The Director, Higher Education, Bihar, Patna.
4. The Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura through its Registrar, P.s. and District-Madhepura.
5. The Vice-Chancellor, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura, S. & District-Saharsa.
6. The Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura, P.S. & District-Madhepura
7. The Principal Secretary, Rajendra Mishra College, Saharsa, P.S.-Saharsa Town, District-Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bidhan Chandra Jha, Advocate

For the Respondent/s : Mr. Kameshwar Kumar-GP17

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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.

Petitioner in this writ petition was initially appointed as teacher in the erstwhile private college which was made constituent in fourth phase. The name of the petitioner in this writ petition figures in the report of Justice S.C. Agrawal Commission. After judgment of the Apex Court in **State of Bihar & Ors. vs. Bihar Rajya M.S.E.S.K.K. Mahasangh & Ors.**, reported in **(2005) 9 SCC 129**, the case of the petitioner was considered by the University and his service was



absorbed.

In view of the decision in C.W.J.C. No. 17670 of 2017 the petitioner deserves absorption in terms of the direction of the Apex Court in the case of **Mahasangh** case (supra) and in view of the above, action of the University reviewing the order of absorption is hereby declared to be nullity. The respondents are directed to restore the petitioner in the status of absorbed teachers with all consequential benefits.

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.

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

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	4.08.2018
Transmission Date	

