

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.335 of 2018

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Sunil Kumar Mallick, S/o Late Jai Kishore Mallick, At and P.O.- Haripur, Dih Tola, P.S.- Kaluahi, District- Madhubani, at present working as Account Assistant, K.B. Jha College, Katihar. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
 2. The Principal Secretary, Department of Human Resources Development, Government 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, P.S. and District- Madhepura.
 6. The Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura, P.S. and District- Madhepura.
 7. The Principal, K.B. Jha College, Katihar. Respondent/s
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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha, Advocate,
Mr. Pranav Kumar Jha, Advocate,
For the Respondent/s : Mr. M. Pd. Yadav- Gp23
Mr. Arvind Kumar AC to 23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 19-07-2018

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State as well as University.

2. Mr. Subodh Kumar Jha, learned counsel appearing on behalf of the petitioner submits that petitioner was appointed as Accounts Assistant in K.B. Jha College, Katihar and at the time when the college was affiliated it was in L.N. Mithila University. After the college was made constituent in the 4th phase, the State Government issued letter No. 25C and the name of the petitioner figures in the said letter.

3. Learned counsel for the petitioner further submits that the University has taken decision pursuant to the direction of



the Apex Court in the case of **State of Bihar Vs. Bihar Rajya MSESkk Mahasangh: (2005) 9 SCC 129** for absorption of the petitioner. After the notification of absorption, the said decision was reviewed by the University. Counsel submits that the University has no jurisdiction to review its earlier decision as the said decision was taken pursuant to the direction of the Apex Court.

4. The decision of review is hereby declared as null and void.

5. In view of the decision rendered by this Court in CWJC No. 17670 of 2017, this writ petition is allowed. The respondent-University is hereby directed to treat the petitioner as absorbed employee and restore the same status and grant all consequential benefits to the petitioner treating him as absorbed employee within a period of four months.

6. With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.07.2018
Transmission Date	

