

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.385 of 2018

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Sona Nand Prasad, S/o Late Devendra Prasad, At-Naya Tola, Gumti No.-1,
Bhikhanpur, Bhagalpur (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Education Department, Bihar, Patna
3. Tiaka Manjhi Bhagalpur University through its Registrar, Bhagalpur
4. The Vice-Chancellor Tilka Manjhi Bhagalpur University, Bhagalpur
5. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
6. The Principal, T.N.B. Law College, Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rana Ishwar Chandra, Advocate

For the Respondent/s : Mr. Ashutosh Ranjan Pandey, AAG-15

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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 T.N.B. Law
College, Bhagalpur 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 Tilka Manjhi Bhagalpur
University, Bhagalpur. 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	

