

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17752 of 2017

=====

Anjana Varma, Wife of Late Chandra Shekhar Verma, Resident of Mohalla- Kamla
Nehru Sishu Vihar, P.S.- Patliputra Colony, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Principal Secretary-cum-Commissioner, Human Resources Development
Department, Govt. of Bihar.
4. The Director (Higher Education), Education Department, Govt. of Bihar, Patna.
5. The Deputy Director, (Higher Education), Education Department, Govt. of
Bihar, Patna.
6. Magadh University, through its Registrar, Gaya, District- Gaya, Bihar.
7. The Vice Chancellor, Magadh University, Gaya, District- Gaya, Bihar.
8. The Registrar, Magadh University, Gaya, District- Gaya, Bihar.
9. The Principle, Ganga Devi Mahila College, Magadh University, Patna, Bihar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Satyavrat Verma, Advocate

For the Respondent/s : Mr. Madanjit Kumar, GP-20

=====

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. After the decision of take over, the State Government
took a decision with regard to provisional absorption of the teaching
staff and letter no. 181 (C) dated 18.12.1989 was issued and the name
of the petitioner in this writ petition figures in the said letter no.
181(C) and pursuant to the aforesaid decision of the State



Government she was provisionally absorbed in the services of the University and she was paid salary. 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 teacher 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	28.07.2018
Transmission Date	

