

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7912 of 2018

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Raj Kumar Mishra, Son of Late Ganesh Mishra, resident of Mohalla - Rajendra Nagar, Road No. 10, P.S. - Kadamkuan, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Higher Education, Govt. of Bihar, Patna.
2. The Magadh University through its Registrar having office at Bodh Gaya, Distt. - Gaya.
3. The Vice-Chancellor, Magadh University having office at Bodh Gaya, District Gaya.
4. The Registrar, Magadh University, Bodh Gaya, District - Gaya.
5. The Principal, Guru Govind Singh College, Patna City, District - Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nikesh Kumar

For the Respondent/s : Mr. PRABHAKAR JHA -GP27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 18-07-2018

Heard Mr. Nikesh Kumar, learned counsel for the petitioner, State and the University.

Learned counsel for the petitioner submits that the name of the petitioner figures in the letter no. 36(C). The petitioner was paid salary, but he was not formally absorbed, although the Syndicate of the University has taken decision for absorption, but under the dictate of State Government follow up notification of absorption was not issued.

In view of the fact that the name of the petitioner figures in letter no. 36(C) and he was paid salary after take over, the respondent University is directed to issue notification of absorption in



the light of the notification and grant status of absorbed employees notwithstanding the direction of the State Government not to issue notification as in the matter of absorption under Section 4 (1) (14) of the Bihar State Universities Act, the State Government has no role to play as has been held out by the Apex Court in the case 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** and the decision of this Court in C.W.J.C. No. 17670 of 2017.

Necessary decision with regard to issuance of notification and consequential benefits must be issued by the respondents 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 disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.08.2018
Transmission Date	

