

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18748 of 2017

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1. Dilip Kumar Yadav, Son of Late Janardan Prasad Yadav, Resident of Village-Dilauri, P.O.- Kali Prasad, P.S.- Pirpaiti, District- Bhagalpur.
 2. Guru Prasad Yadav, Son of Late Sitaram Yadav, Resident of Village-Kathotiya, P.O.- Kathotiya, P.S.- Bihariganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Bihar, Patna.
4. The Vice Chancellor, B.N. Mandal University, Madhepura.
5. The Registrar, B.N. Mandal University, Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar, Advocate

For the Respondent/s : Mr. A. R. PANDEY -AAG15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 18-07-2018

The name of the petitioners figure in letter no. 36 (C) issued by the State Government as supplementary list for provisional absorption of the employees of the erstwhile affiliated college made constituent unit. After the decision of the State Government provisionally they were absorbed and the petitioners were paid salary. In fact, after the decision 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 considered their cases in the light of the decision of the **Mahasangh** case (supra) and the University absorbed their services in exercise of jurisdiction under Section 4 (1) (14) of the Bihar State Universities Act. Later on, that



decision was reviewed by the University at the dictate of State Government. Considering the fact that earlier decision of absorption of petitioners were taken in accordance with the principle laid down by the Apex Court in the case of **Mahasangh** case (supra) and the decision passed in C.W.J.C. No. 17670 of 2017, the order reviewing the earlier decision of absorption is hereby declared as nullity.

The respondents are directed to restore the petitioners the status of absorbed employees with all consequential benefits.

Final decision in this regard must be taken 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	4.08.2018
Transmission Date	

