

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18840 of 2017

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Anil Kumar, Son of Late Dr. Shyam Sundar Yadav, Resident of Mohalla- Gangjala,
Ward No.18, P.S. & District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Department, Government of Bihar,
New Secretariat Building, Patna.
3. The Vice-Chancellor, B.N. Mandal University, Laloo Nagar, Madhepura.
4. The Registrar, B.N. Mandal University, Laloo Nagar, Madhepura.
5. The Finance Officer, B.N. Mandal, Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh, Advocate

For the Respondent/s : Smt. Shilpa Singh, GA-12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 18-07-2018

Heard learned counsel for the petitioner and State as well
as University.

Petitioner in this writ petition was initially appointed as
teachers 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 of this writ petition figures in the said letter no.
181(C) and pursuant to the aforesaid decision of the State
Government he was provisionally absorbed in the services of the
University and he was paid salary. After judgment of the Apex Court
in **Mahasangh case**, the case of the petitioner was considered by the



University and he 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 **State of Bihar & Ors. vs. Bihar Rajya M.S.E.S.K.K. Mahasangh & Ors.**, reported in **(2005) 9 SCC 129** 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 teachers 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 disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.08.2018
Transmission Date	

