

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8462 of 2018

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Giridhar Kumar, Son of Late Kishori Sah, resident of Mohalla- Ashok Nagar, Road No. 8, Bhojpur Colony, Ram Lakhan Path, Kankarbagh, P.S- Kankarbagh, Distt.- 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.
3. The Vice-Chancellor, Magadh University having office at Bodh-Gaya.
4. The Registrar, Magadh University having office at Bodh-Gaya.
5. The Principal, Dwarika College, Dr. Ram Manohar Lohia Nagar, Patna- 20.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Ashutosh Ranjan Pandey -AAG15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 18-07-2018

The name of the petitioner figures 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 petitioner was 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 his case in the light of the decision of the **Mahasangh** case (supra) and the University absorbed his 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 petitioner was 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 petitioner the status of absorbed employee 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	04.08.2018
Transmission Date	

