

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11151 of 2018

=====

Krishna Kumar Jha, Son of Late Mahendra Narayan Jha, Resident of Village-
Mahatha, PS- Ladaniya, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Human Resources Development,
Government of Bihar, Patna.
3. Lalit Narayan Mithila University, Kameshwar Nagar Darbhanga, through its
Registrar.
4. The Vice-Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga.
5. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Binodanand Mishra, Advocate

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

=====

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 application is a teacher. He was
initially appointed in the affiliated College made constituent in 4th
Phase. Later on, pursuant to the tripartite agreement between the State
Government, L.N.M. University and the Employees Association it
was agreed that the petitioner may be accommodated in other college
in L.N.M. University and pursuant to the aforesaid tripartite
agreement, the petitioner was absorbed. After his absorption, issue
was raised that the absorption was done in another college, which was



not permissible.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has requisite qualification and he was appointed in affiliated College before take over and later on he was shifted to another college and after absorption the petitioner was regularly working and has been paid salary. He submits that in view of the tripartite agreement, the respondents are obliged to honour the tripartite agreement and now they cannot reopen the issue of the absorption of the petitioner. He has placed reliance on the judgment of the Apex Court in the case of **State of Bihar & Anr vs. Sunny Prakash & Ors**, reported in (2013) 3 SCC 559 wherein the Apex Court has categorically held out that tripartite agreement between the Association, State Government and the University is binding notwithstanding the agreement was not finalized in the statutory terms with the approval of the Cabinet.

In view of the judgment of the Apex Court in the case of **Sunny Prakash** (Supra), the writ application is allowed. The respondents are directed to restore these petitioner in the status of absorbed employee, as he was absorbed in the college pursuant to tripartite agreement, which bind the parties to the and the party cannot resile from the agreement in view of the judgment of the Apex Court in the case of **State of Bihar & Anr vs Sunny Prakash & Ors**



(supra)

The respondents are directed to restore all consequential benefits to the petitioner within a period of four months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	4.08.2018
Transmission Date	

