

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3955 of 2018

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1. Dr. Prabhat Kumar Sinha, Son of Late Abanindra Prasad, Resident of Stadium Road, Ward No. 20, District- Madhubani.
 2. Dr. Asha Mahaseth, Wife of late Ayodhya Mahaseth, resident of Meena Bazar, District- Madhubani.
 3. Dr. Lal Babu Sah, Son of Late Baldeo Sah, Resident of Station Road, Ward No. 17, District- Madhubani.
 4. Dr. Hem Kumar Jha, Son of Late Markandey Jha, Resident of Ram Janki Colony, Magrauni Road, District- Madhubani.
 5. Dr. Asha Pradhan, Wife of Shri Bishwanath Pradhan, resident of J.P. Colony, Ward No. 14, District- Madhubani.
 6. Dr. Madhulika Kumari Purbey, Wife of Shri Satish Narayan Purbey, resident of Narial Bazaar, Ward No. 16, District- Madhubani.
 7. Prof. Manimala, Wife of Shri Jagar Nath Jha, resident of Tirhuit Colony, District- Madhubani.
 8. Prof. Pramod Lal Karn, Son of Late Rameshwar Lal Das, Resident of Rajnagar, Sathara Kayastha Tola, District- Madhubani.
 9. Vivek Kumar, Son of Late Prof Ayodhya Mahaseth, resident of village- Hathiya, P.S. Khajauli, District- Madhubani.
 10. Rabindra Nath Pandey, Son of Late Yugeshwar Pandey, resident of Village Laxmipur, Kanuahi, P.O.- Pandaul, P.S.- Pandaul, District- Madhubani.
 11. Dr. Samarendra Kumar Mishra, Son of late Mahdev Mishra, resident of Village + Post Dhakjari, P.S.- Arer, District- Madhubani.
 12. Urmila Poddar, Wife of Shri Ram Kumar Poddar, resident of Ward No. 2, Laheria Ganj Road, District- Madhubani.
 13. Jagtarani Devi, Wife of Late Kapildeo Prasad, resident of Village + P.O.- Bela, via- Madhepur, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. L.N. Mithila University, Darbhanga through its Registrar.
3. Vice-Chancellor, L.N. Mithila University, Darbhanga.
4. Registrar, L.N. Mithila University, Darbhanga.
5. Principal, J.M.D.P.L. Mahila College, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, 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

The name of the petitioners in this writ application figure in the list of teachers to be provisionally absorbed in letter no. 181(C) dated 18.12.1989, but their services were not absorbed in the University. The petitioners were paid salary, but formal order of their absorption was not issued.

2. In view of the judgment 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 the decision in C.W.J.C. No. 17670 of 2017 the University is directed to absorb the services of the petitioners with all consequential benefits.

3. In view of the above, the University is required to examine the claim of the petitioners and if it is found that they are regularly working and there exist vacancy the University is directed to take decision in the light of the judgment of **Mahasangh** case (Supra). The consequential benefit to these petitioners will accrue from the date of the decision by the University with regard to take over the petitioners in the light of **Mahasangh** case (Supra).

4. 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.

5. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.07.2018
Transmission Date	

