

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15106 of 2018

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Bimal Kumar Singh son of late Janki Nandan Singh resident of village -
Dumari Kalan P.S. - Majorganj, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resource Development Department, Govt. of Bihar, Patna.
3. Tilka Manjhi Bhagalpur University Bhagalpur through its Registrar.
4. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
5. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binodanand Mishra, Advocate
For the Respondent/s : Ms. Binita Singh, S.C. 28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 24-07-2019 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the State and learned counsel for
the University.

Petitioner in this writ petition was initially appointed
as teacher in the erstwhile private college which was made
constituent in the 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 in 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 State of Bihar & Ors. Vs. Bihar Rajya M.S.E.S.K.K. Mahasangh & Ors. Reported in (2005) 9 SCC 129, the case of the petitioner was considered by the University and his service 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 Mahasangh (supra) 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 allowed and disposed of.

(Anil Kumar Upadhyay, J)

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