

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4000 of 2019

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Shiv Kumar Prasad Son of Sabhapati Roy, Naga Tola Goriyasthan, P.O.-
Bayapur, P.S. Maner, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Higher Education, Patna.
3. Magadh University, Bodh Gaya through its Registrar.
4. The Vice-Chancellor, Magadh University, Bodh Gaya.
5. Pataliputra University, Patna through the Registrar.
6. The Vice-Chancellor, Pataliputra University, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Singh
For the State	:	Mr.Prabhakar Jha (GP-27)
For the P.P.U.	:	Dr. Anand Kumar
For the M.U.	:	Mr. Syed Firoj Raja

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 06-05-2019 The present writ petition is being disposed off with the consent of the parties inasmuch as the facts of the present case are not in dispute.

The petitioner has approached this Court for directing the respondents to accept the verdict of the Justice S.B. Sinha (Retd.) Commission, which is dated 05.05.2016, whereby and whereunder the petitioner has been directed to be absorbed in the services of the University and it has been stated that he was appointed on 10.04.1977.

The learned counsel for the petitioner submits that the case of the petitioner for absorption of his services has been



allowed by the Justice S.B. Sinha (Retd.) Commission by order dated 05.05.2016 and the same has also been granted seal of approval by the Hon'ble Apex Court by a judgment dated 31.08.2017 passed in Civil Appeal No. 2703 of 2017 and other analogous cases. It is submitted that in case the respondent University and the State Government were aggrieved by the order of Justice S.B. Sinha (Retd.) Commission or by the judgment of Hon'ble Apex Court, they could have taken appropriate steps in accordance with law, but no petition assailing the said order passed by the Justice S.B. Sinha (Retd.) Sinha Commission has been filed either by the University or by the State Government, till date, before any Court of law.

Per contra, the learned counsel for the University submits that the petitioner has not worked in the college and no money has ever been paid.

At this stage, the learned counsel for the petitioner submits that the petitioner is claiming salary only for the period he has worked in the college which may be verified by the University/college and outstanding salary be paid accordingly and in case it is found that no salary is due, current salary be paid after accepting the joining of the petitioner in the college.

Having heard the learned counsel for the parties, this



Court is of the opinion that since the order dated 05.05.2016 passed in the case of the petitioner by the Hon'ble Justice S.B. Sinha (Retd.) Commission, directing for absorption of the services of the petitioner has been upheld by the Hon'ble Apex Court, this Court has no option but to allow the writ petition and direct the University/college to forthwith accept the joining of the petitioner and make payment of salary with effect from the date of passing of the judgment by the Hon'ble Apex Court i.e. 31.08.2017.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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