

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5882 of 2019

=====

Kamini Singh W/o Late Shekhar Kumar Singh, R/o Saharsa Gautam Nagar,
ward No. 12, Gangjala, P.S. Saharsa Dist.- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through the Secretary, Higher Education Govt. of Bihar, Patna.
2. B.N. Mandal University Laloo Nagar Madhepura through the Registrar.
3. Vice Chancellor, B.N. Mandal University Laloo Nagar, Madhepura.
4. The Finance Officer, B.N. Mandal University, Laloo Nagar, Madhepura.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar, Advocate Mr. Neeraj Kumar, Advocate
For the University	:	Mr. Shashi Bhushan Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 25-06-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the University.

The issue raised in the present writ petition is covered by the series of decisions of this Court. The matter with regard to 4th phase constituent colleges was considered by Justice S.C. Agrawal Commission and the report of the Commission was accepted by the Apex Court. The Judgment of the Apex Court in the case of the State of Bihar & Ors. Vs. Bihar Rajya M.S.E.S.K.K. Mahasangh & ors., 2005(1)PLJR 464(SC) is settler on the point that the report of Justice Agrawal Commission is accepted in toto and the University was directed to act in accordance with the report of Justice SC Agrawal



Commission. The decision as to entitlement of counting of service in terms of the report of the Justice S.C. Agrawal Commission has become final and the respondent-University or the State Government has no business to tinker with the findings recorded by Justice S.C. Agrawal Commission as to entitlement of the counting of service.

Learned counsel for the petitioner has placed reliance on the order dated 6.3.2012 passed by this Court in CWJC No. 983 of and 18097 of 2019 that similar issue was decided by this Court.

Considering the aforesaid, the writ petition is disposed of with direction to the respondents to accept the findings of Justice S.C. Agrawal Commission as conclusive for the purpose of counting of service of husband of the petitioner in SNSRKS College w.e.f. 23.9.1982 as per the report of the Agrawal Commission and grant the benefit to the petitioner all consequential relief. In view of the decision of Justice Agrawal Commission which has been approved by the Apex Court, the order passed by the University dated 3.11.2019 is fit to be quashed. It is ordered accordingly. The University and the State respondents are directed to grant all consequential benefits to the petitioner in terms of the report of Justice S.C. Agrawal



Commission. Necessary decision granting benefit in terms of Justice S.C. Agrawal Commission must be taken by the respondents within a period of sixty days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

U			
---	--	--	--

