

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5734 of 2019

1. Randhir Singh and Ors Son of Late Chandra Mauleshwar Prasad Singh Resident of Ward No.3, Krishna Nagar, Batraha, P.S. Saharsa, District-Saharsa, the retired Reader, Department of Botany, S.N.S.R.K.S. College, Saharsa.
2. Birendra Kumar Singh Son of Late Lakhan Singh Resident of Ward No.6, Pratap Chowk, Gangjala, P.S. Saharsa, District-Saharsa, the Reader, Department of Psychology, S.N.S.R.K.S. College, Saharsa
3. Prakash Chandra Khan Son of Hare Krishna Khan Resident of Ward No.5, Laxmi Nath Nagar, Bangaon Road, P.S. Saharsa, District-Saharsa, the Reader, Department of Physics, S.N.S.R.K.S. College, Saharsa
4. Ashok Kumar Singh Son of Sri Narayan Singh Resident of Panchwati Gangjala, P.S. Saharsa, District-Saharsa, the retired Reader, Department Of Geography, S.N.S.R.K.S. College, Saharsa
5. Lal Prasad Singh Son of Late Upendra Narayan Singh Resident of village-Bhotia, P.S. Chapram, District-Saharsa, the Reader, Department of Rural Economics, S.N.S.R.K.S. College, Saharsa.
6. Krishnadeo Prasad Singh Son of Late Daroga Singh Resident of Ward No.23, Krishna Nagar, Batraha, P.S. Saharsa, District-Saharsa, the Reader, Department of Ancient History, S.N.S.R.K.S. College, Saharsa.
7. Narendra Kumar Singh Son of Late Upendra Narayan Singh Resident of Ward No.15, Azad Chowk, Gangalja, P.S. Saharsa, District-Saharsa, the retired Reader, Department of Mathili, S.N.S.R.K.S. College, Saharsa.
8. Ajay Kumar Singh Son of Late Bhagwan Prasad Singh Resident of Ward No.29, Kayasth Tola, P.S. Saharsa, District-Saharsa, the Reader, Department of Labour and Social Welfare, S.N.S.R.K.S. College, Saharsa.
9. Ranjit Kumar Singh Son of Late Mahendra Narayan Singh Resident of Mangwar House, Radha Road, Sant Nagar, Hanuman Chowk, P.S. Saharsa, District-Saharsa, the Reader, Department of Political Science, S.N.S.R.K.S. College, Saharsa.
10. Binod Kumar Singh Son of Late Ram Beni Singh Resident of Ward No.22, Raj Kamal Path, Gautam Nagar, Gangjala, P.S. Saharsa, District-Saharsa, the Reader, Department of English, S.N.S.R.K.S. College, Saharsa.
11. Indradeo Prasad Singh Son of Lakshmi Narayan Singh Resident of Ward No.15, Azad Chowk, Gangjala, P.S. Saharsa, District-Saharsa, the Reader, Department of Botany, S.N.S.R.K.S. College, Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director Higher Education, Education Department, Government of Bihar, Patna.
3. The Vice Chancellor B.N.Mandal University, Madhepura.
4. The Registrar, B.N.Mandal University, Madhepura.
5. The Finance Officer, B.N.Mandal University, Madhepura.
6. The Principal, S.N.S.R.K.S. College, Saharsa.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Respondent/s : Mr. Madhaw Prasad Yadaw, G.P. 23

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 27-08-2019 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

The petitioners have approached this Court for a direction to the respondents to shift the effective date of absorption of the petitioners and consequentially for redetermination of the date of appointment and promotion of the petitioners.

Learned counsel for the petitioners would submit that the petitioners were appointed in the S.N.S.R.K.S. College, Saharsa. The College was made constituent under the forth phase.

The dispute of determination of entitlement for absorption and date of absorption was taken to the Apex Court in the case of Mahasangh reported in (2005) 9 SCC 129. The Apex Court constituted a fact finding committee of Justice S.C. Agarwal Commission. Justice S.C. Agarwal Commission, after meticulous examination of the records, submitted report. In the report Justice S.C. Agarwal Commission has noted the date of entitlement of the teaching and non-teaching employees for



absorption and also indicated the date of absorption. The report of Justice S.C. Agarwal Commission was accepted by the Apex Court in Mahasangh case. The decision of determination of entitlement for absorption has the approval the Apex Court and as such neither the University, nor the State can tinker with the finding of the Justice S.C. Agarwal Commission. The date of entitlement of absorption of the petitioners has to be redetermined by the University in the light of the finding recorded by the Justice S.C. Agarwal Commission and the University is required to shift the date of initial entry as well as grant of promotion on the basis of the initial date of absorption in terms of the finding of Justice S.C. Agarwal Commission. Necessary corrective measures may be taken by the respondents at the earliest preferably within a period of three months from the date of receipt/copy of this order and grant all consequential benefits of continuity in service and grant of promotion treating the initial date of appointment of petitioners in the light of the report of Justice S.C. Agarwal Commission.

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

(Anil Kumar Upadhyay, J)

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