

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5807 of 2019

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Randhir Kumar, Son of Late Mahendra Kumar Mahato, Resident of Village
Ram Nagar, P.S. Nirmali, District- Supaul.

... .. Petitioner/s

Versus

1. B. N. Mandal University, Madhepura, through its Registrar.
2. The Vice Chancellor, B.N. Mandal University, Madhepura.
3. The Registrar, B.N. Mandal University, Madhepura.
4. State of Bihar through the Chief Secretary Government of Bihar, Patna.
5. The Principal Secretary, Human Resources, Development Department,
Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binodanand Mishra, Advocate
For the Respondent/s : Mr.Kameshwar Kumar (Gp 17)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 13-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The father of the petitioner has earlier approached Justice S.B.Sinha Commission in Claim Petition No. 1228 of 2013. The Commission on consideration of the report of Justice S.C.Agrawal has held that the father of the petitioner, Late Mahendra Kumar Mahto, could have been absorbed against available vacancy of Sorter in the Library but having regard to the terms of the reference his Lordship has declined to pass any direction. After report of Justice S.B.Sinha, the matter was taken to the Apex Court in Civil Appeal No. 2703 of 2017. The Apex



Court accepted the favourable report of Justice S.C.Agrawal Commission and thereafter allowed the aggrieved persons to approach the High Court.

Mr. Binodanand Mishra, learned counsel for the petitioner placed reliance on Annexure-8 where in similar fact situation this Court has also directed for consideration of case of one Manoj Kumar Jha for appointment on compassionate ground considering the fact that the father of the petitioner was entitled to absorption. The name of the father of the petitioner figures in the notification No. 25C for absorption issued by the State of Bihar. 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.

In view of the above, the writ petition is disposed of with a direction to the respondents to consider the case of the petitioner for appointment on compassionate ground treating that father of the petitioner was entitled to absorption in service. Necessary decision in this regard must be taken by the respondents within a maximum period of three months 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/-

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