

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13211 of 2019

Dr. Radhe Shyam Prasad Son of late Rajandhari Singh, R/o Mohalla- Ram Krishna Nagar, P.S.Ram Krishna Nagar, Town and District- Patna- 800027, Presently Working as Associate Professor, Department of Pali, R.K.D. College, Kankarbagh, Patna- 800020

... .. Petitioner/s

Versus

1. The Magadh University, Bodh Gaya through its Registrar.
2. The Vice -Chancellor, Magadh University, Bodh Gaya, District- Gaya.
3. The Registrar, Magadh University, Bodh Gaya, District- Gaya.
4. The Finance Officer, Magadh University, Bodh Gaya, District- Gaya.
5. The Patliputra University, Patna, through its Registrar,
6. The Vice Chancellor, Patliputra University, Patna.
7. The Registrar, Patliputra University, Patna.
8. The Finance Officer, Patliputra University, Patna.
9. The Principal , R.K. D. College, Kankarbagh, Patna- 800020
10. The State of Bihar through the Additional Chief Secretary, Department of Education, Govt. of Bihar, Patna.
11. The Director, Higher Education, Deptt. of Education, Govt. of Bihar, Patna.
12. The Authorized Officer, Pay Verification Cell, Department of Education, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Purushottam Kumar Jha, Advocate
For the State	:	Mr.Umesh Narayan Dubey, AC to GP-27
For Patliputra University:		Dr. Anand Kumar, Advocate
For Magadh University	:	Mr. Syed Firoz Raja, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 03-07-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the respondents.

The petitioner has filed the present writ petition for a direction to the respondents to shift the date of absorption of the petitioner with effect from 10.4.1977.



Learned counsel for the petitioner has placed reliance on the report of Justice S.C. Agrawal Commission. The College in question was made constituent in the 4th phase. The issue with regard to 4th phase colleges was taken into consideration by the Apex Court in the judgment 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)** and the same is settled 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 the report Justice S.C. Agrawal Commission has taken into consideration the entitlement of the petitioner for absorption with effect from 10.4.1977. The respondents on the basis of the report of Pay Verification Cell altered the date fixed by Justice S.C. Agrawal Commission in its report.

Mr. Purushottam Kumar Jha, learned counsel appearing on behalf of the petitioner would submit that the University and the State have no authority to tinker with the findings of Justice S.C. Agrawal Commission as to the date of absorption as the report of the Commission was accepted in toto by the Apex Court in Mahasangh's case (supra).

In view of the above, the writ petition is disposed of



with a direction to the respondents to treat the date of absorption of the petitioner under Section 4(1)(14) of the Act as 10.4.1977 and grant all consequential benefits of promotion as Reader and Professor under the Time Bound Promotion Scheme. Necessary decision with all consequential benefits must be taken by the respondents within a period of four months from the date of receipt/production of a copy of this order.

The decision shall be binding on the Magadh University and its successor Patliputra University.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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