

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14397 of 2019

Uma Kant Rai S/o Late Prayag Rai Presently working as Peon, B.N.M.V.
College, Sahugarh, Madhepura, Police and District- Madhepura
... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna
2. The Principal Secretary Department of Education, Govt. of Bihar, Patna
3. The B.N. Mandal University through its Registrar Laloo Nagar, Madhepura, District- Madhepura
4. The Vice Chancellor B.N. Mandal University, Laloo Nagar, Madhepura, District- Madhepura
5. The Registrar B.N. Mandal University, Madhepura

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate
For the Respondent/s : Mr.Nirbhay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the respondents.

The grievance of the petitioner is non-payment of arrears for the period from 11.07.1998 to September, 2006.

Learned counsel for the petitioner submits that the college in question was made constituent in the 4th phase in 1986. The issue as to absorption of the teaching and non-teaching staff under Section 4(1)(14) of the Act led to a lot of litigation and finally the matter was taken to the Supreme Court and under the orders of Hon'ble Supreme Court Justice S.C.Agrawal Commission was constituted. The Commission examined the case of the teaching and non-teaching staff and submitted voluminous report in the Supreme Court. The Commission noted the entitlement of the teaching and non-



teaching employees of the colleges made constituent in 4th phase with the date of entitlement of their absorption. The B.N.Mandal University finally decided to absorb the services of the petitioner vide notification dated 17.1.2006 with effect from 11.07.1998. The grievance of the petitioner is now non-payment of salary for the period from 11.07.1998 to September, 2006.

The only issue raised in the writ petition is that once the University has absorbed the services of the petitioner with effect from 11.7.1998 the monetary benefit is admissible with effect from 11.7.1998.

Considering the aforesaid, the writ petition is disposed of with a direction to the University as well as the State to see that arrears admissible to the petitioner from 11.7.1998 to September, 2006 is extended to the petitioners within a maximum period of 4 months from the date of receipt/production of a copy of this order as the petitioner is entitled to monetary benefits on absorption.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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