

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13992 of 2019

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1. Rambharat Singh, Son of Late Tapesar Singh Resident of Mohalla- Takiya, P.O. Takiya, P.S.- Sasaram, district- Rohtas at Sasaram.
 2. Sri Ram Chaudhary, Son of Late Yadu Nath Chaudhary Resident of mohalla- Takiya, P.O. Takiya, P.S. Sasaram, District- Rohtas at Sasaram.
 3. Sheo Kumar Choudhary, Son of Late Thakuri Choudhary Resident of Village- Banka, P.O. Mahila, P.S. Ramgarh, District- Kaimur at Bhabua.
 4. Jyotish Narayan Singh, Son of Late Ram Gahan Singh Resident of Mohalla- Lalganj, Post Office and P.S. Sasaram, District- Rohtas at Sasaram.
 5. Jalendra Singh, Son of Late Ram Charitra Singh Resident of Village- Dhankarha, P.O. Dhaudarh, P.S. Sasaram, District- Rohtas at Sasaram.
 6. Subedar Singh, Son of Late Sheo Dhari Singh Resident of Mohalla- Manavir Asthan Kuraich, P.O. and P.S. Sasaram, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resource Department (Higher Education Department) Bihar, Patna.
2. The Director, Higher Education Department Bihar, Patna.
3. The Vice Chancellor ,Veer Kunwar Singh University, Ara.
4. The Registrar, Veer Kunwar Singh University, Ara.
5. The Finance Officer, Veer Kunwar Singh University, Ara.
6. The Principal, Shershah College, Sasaram, District- Rohtas at Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Garg, Advocate
For the Respondent/s	:	Mr.Jitendra Kumar Roy1 (Sc13)
For the University	:	Mr. Rajesh Prasad Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 12-07-2019 Heard learned counsel for the petitioners and the respondents.

All the six petitioners have approached this Court for a direction to the respondents to pay arrears of salary on account of their absorption in the college, in question, under Rule 4(1)



(14) of the Bihar State Universities Act.

Learned counsel for the petitioner submits that the College, in question, was made constituent in 4th phase.

The issue of absorption in 4th phase was finally decided by the Apex Court in the case of **State of Bihar & Ors Vs. Bihar Rajya M.S.E.S.K.K. Mahasangh & Ors.**, reported in **(2005) 9 SCC 129**. In the light of the judgment of the Apex Court in the case of Mahasangh (supra), the respondents have absorbed the services of all the petitioners. The petitioners have now filed the present writ application for a direction to the respondents to ensure payment of arrears of salary on account of their absorption.

Similar issue was decided by this Court vide oral judgment dated 12.04.2018 in C.W.J.C. No. 6381 of 2018. The present writ application involves the similar issue, accordingly, this writ application is disposed of in the light of the judgment passed in C.W.J.C. No. 6381 of 2018. Relevant part of the judgment is quoted herein below:

4. Accordingly, the writ application is disposed of with a direction to the University to workout the entitlement of the petitioner in terms of the absorption of the petitioner pursuant to the direction of the Apex Court in the case of State of Bihar Vs.



Bihar Rajya MSESkk Maha Sangh, reported in (2005) 9 SCC 129 and ensure payment of the same within a maximum period of four months from the date of receipt/production of a copy of this order.

5. In case, the respondent University is facing financial constrained in paying dues to the petitioner, liberty shall be available to the University to raise demand from the State Government for allocation of additional fund by enclosing the utilization certificate of the fund earlier received by the University. In case, such request is made by the University, the State is required to provide additional fund for payment of petitioner and similarly circumstanced other teaching and non-teaching staff absorbed in the service of the University in terms of Rule 4 (1) (14) of the Bihar State Universities Act pursuant to the decision of the Mahasangh case (supra).

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

(Anil Kumar Upadhyay, J)

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