

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16382 of 2019

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Krishna Bhushan Choudhary, Son of Sri Neeras Choudhary, resident of Ward No. 9 Near Ram Janaki Mandir Darhaar, P.S. Laheriasarai, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna.
3. Lalit Narayan Mithila University, Kameshwar Nagar Darbhanga, through its Registrar.
4. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binodanand Mishra, Advocate
For the Respondent/s	:	Mr. Narendra Kumar, AC to GP-20
For the University	:	Mr. Nadim Seraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-08-2019 Heard learned counsel for the petitioner and the respondents.

The issue raised in the present writ application was considered by this Court in C.W.J.C. No. 16835 of 2014 on 18.09.2018.

This Court on consideration of the judgment of the Apex Court in the case of **State of Bihar & Ors Vs. Bihar Rajya M.S.E.S.K.K. Mahasangh**, reported in (2005) 9 SCC 129 and also on consideration of the letter of the Director, Higher Education dated 03.04.2006 as well as the bipartite



agreement between the parties dated 12.10.2004, has passed the order.

Learned counsel for the petitioner submits that pursuant to bipartite agreement between the parties, the service of the petitioner was absorbed vide Annexure-4 and thereafter the University has reviewed its decision. This Court has held out that the University has power to review its previous decision.

Considering the aforesaid, the writ application is allowed. The respondents have to ensure payment of salary (arrears and current) treating the petitioner as absorbed pursuant to bipartite agreement, which has binding effect in view of the judgment of the Apex Court in the case of **State of Bihar & Ors. Vs. Sunny Prakash & Ors**, reported in (2013) 3 SCC 559.

(Anil Kumar Upadhyay, J)

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