

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17095 of 2019

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Shiv Ballabh Jha, S/o Late Surya Narayan Jha, Resident of Village- Dumra,
P.O.- Brhampura Western side of Pond Barhampur, Dist.- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Human Resource Development Department, Govt. of Bihar, Patna
3. Lalit Naranan Mithila University, Kameshwar Nagar, Darbhanga through its Registrar.
4. Vice Chancellor, Lalit Naranan Mithila University, Kameshwar Nagar, Darbhanga
5. Retgistrar, Lalit Naranan 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. Prabhat Ranjan Singh, AC to AAG-15
For the University	:	Mr.Nadim Seraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 22-08-2019 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 tripartite



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

Learned counsel for the petitioner submits that pursuant to tripartite 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 no 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 tripartite 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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