

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18241 of 2016

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Dr. Narendra Kumar Jha son of Late Bhola Jha, resident of Bank of Baroda Colony, P.O. Laxmi Sagar, P.S. Sadar, District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. Lalit Narayan Mithila University through its Vice Chancellor, Kameshwar Nagar, Darbhanga.
3. The Registrar, Lalit Narayan Mithila University Kameshwar Nagar, Darbhanga.
4. The Finance Officer, Lalit Narayan Mithila University Kameshwar Nagar, Darbhanga.
5. The Principal, M.L.S.M College, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar
For the Respondent/s : Mr.Prabhakar Jha- Gp27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 05-08-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ application is denial of salary.

Learned counsel for the petitioner submits that pursuant to the report of Justice Agrawal Commission which has the approval of the Apex Court in the judgment reported in **(2005) 9 SCC 129** the respondents have taken decision to absorb the petitioner. Though, the University has taken decision for absorption of the petitioner, the state has raised objection on the



pretext that at the time of appointment petitioner was not holding the requisite qualification. From the report of the justice Agrawal Commission as appended to the counter affidavit it is manifest that this petitioner was found eligible for absorption from on 08.07.1985 and the post occupied by the petitioner was categorized by justice Agrawal Commission as R/I. It is reiterated here that the report of justice Agrawal Commission was accepted in toto by the Apex Court in the judgment reported in **(2005) 9 SCC 129**.

In view of the facts that the report of the justice Agrawal Commission has become final in toto by the Apex Court, the Court is inclined to allow the present writ application as the petitioner was categorized as R1 and as R1 is he is entitled to absorption with all consequential benefit. The writ petition is accordingly, allowed. The respondents are directed to grant all benefit to this petitioner in terms of the judgment of the Apex Court in Mahasangh case **(2005) 9 SCC 129**, the objection that at the time of appointment the petitioner was not holding the requisite qualification is now irrelevant after the detail discussion of the Apex Court in Mahasangh case reported in **(2005) 9 SCC 129**, the respondents have to grant all benefit of absorption to the petitioner including arrears and the University



and state is directed to ensure payment of all dues to the petitioner within a period of four months from the date of receipt/production of copy of this order.

With the aforesaid, the present writ application is allowed and disposed of.

(Anil Kumar Upadhyay, J)

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