

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19024 of 2019

1. Dr. Arjun Singh Son of Late Bindeshwari Singh Naga Bigha Road, Opposite Patel Colony, New Area, Aurangabad.
2. Dr. Lal Narain Singh Son of Late Sarju Prasad Singh Road No. 5, M.G. Road, Chittar Nagar, New Area, Aurangabad.
3. Dr. Hare Krishna Singh Son of Late Basudeo Singh Village and P.O.- Majharia, P.S.- Buxar Industry, District- Buxar.

... .. Petitioner/s

Versus

1. The Magadh University, Gaya through its Registrar.
2. The Vice- Chancellor Magadh University, Gaya.
3. The Registrar Magadh University, Gaya.
4. The Finance Officer Magadh University, Gaya.
5. The State of Bihar Through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
6. The Special Secretary Education Department, Govt. of Bihar, Patna.
7. The Director Higher Education Department, Govt. of Bihar, Patna.
8. The Pay- Verification Cell Education Department, Govt. of Bihar, Patna through its Authorized Officer.
9. Pataliputra University Patna through its Registrar.
10. The Vice- Chancellor Pataliputra University, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Singh, Advocate.
For the Respondent/s	:	Mr. Arvind Kumar Singh, AC to G.P. 23.
For the M.U.	:	Mr. Ritesh Kumar, Advocate.
For the P.P.U.	:	Mr. P.K. Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 16-09-2019 Heard learned counsel for the petitioner as well as learned counsel for the State and counsel appearing for the University.

Three petitioners have approached this Court in the present writ application for direction to the respondents to



revised the date of promotion to the petitioner as they were appointed as Lecturer in Kishori Sinha Mahila College, Aurangabad in the respect subject of math, Ancient History and Asian studies and Economics. They were appointed on 11.01.1982, 20.09.1981 and 15.09.1981 respectively in the aforesaid college and the said college was made constituent as 4th phase colleges.

The issue as to absorption of the teaching and non-teaching employee of the colleges made constituent in 4th phase was taken to the Hon'ble Supreme Court and in order to decide the factual aspect of the matter the Apex Court constituted Justice S.C. Agarwal Commission after meticulous examination of the record and after hearing the parties submitted report to the Hon'ble Supreme Court which was accepted in toto by the Apex Court in the Judgment reported in State of Bihar Vs. Bihar Rajya M.S.E.S.K.K. Mahasangh and others 2005 (1) 464 SC. The decision of the Apex Court in that case is binding on the State as well as University, but unfortunately the auditor of the education departments has reviewed the determination of absorption of petitioner made by Justice S.C. Agarwal Commission. Such action of the auditor of the Education Department is totally without jurisdiction, the report of the



Justice S.C. Agarwal Commission is final and binding to the parties and neither the State nor the University can tinker with finding of the Justice S.C. Agarwal Commission.

In view of the above the Court directs the respondent to rectify the mistake and grant all consequential benefits treating the initial date of absorption of the petitioners in terms of the report of Justice S.C. Agarwal Commission. Necessary corrective measures with all consequential benefits may be taken by the respondents at the earliest preferably within 60 days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands allowed.

(Anil Kumar Upadhyay, J)

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