

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5303 of 2018

Dr. Raj Kumar Sinha S/o Late Sadanand Pd. Sinha R/o Mir Tola, Bangaon Road, Saharsa, Ward No. 7, P.S. and District - Saharsa, presently working as Associate Professor, Department of Philosophy, S.N.S.R.K.S. College, Saharsa, P.S. and Dist. - Saharsa.

... .. Petitioner/s

Versus

1. The B. N. Mandal University, Madhepura, Through Its Registrar
2. The Vice-Chancellor, B.N.Mandal University, Madhepura.
3. The Financial Advisor, B.N. Mandal University, Madhepura.
4. The Registrar, B.N. Mandal University, Madhepura.
5. The Finance Officer, B.N. Mandal University, Madhepura.
6. The Principal, S.N.S.R.K.S. College, Saharsa, P.S. and District - Saharsa.
7. The Principal Secretry, Education Department, Govt. of Bihar, Patna.
8. The Director, Higher Education Department, Govt. of Bihar, Patna.
9. The Pay Verification Cell, Department of Education, Bihar State Text Book Publishing Corporation Ltd. Campus, Buddha Marg, Patna through its Authorised Officer.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Purushottam Kumar Jha
For the Respondent/s	:	Mr.Prabhakar Jha- Gp27
	:	Mr. Umesh Narayan Dubey
For the BNMU	:	Mr. Ritesh Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 06-03-2019

1. The present writ petition has been filed for declaring that the date of absorption determined by Hon'ble Agrawal Commission as 08.11.1983 be treated to be the date of absorption of the petitioner for all purposes and accordingly, the consequential benefits be granted to the petitioner herein.



2. The learned counsel for the petitioner has submitted that the date of absorption of the petitioner is being treated as 20.07.1985 by the State Government despite the Hon'ble Agrawal Commission having fixed the date of absorption of the petitioner as 08.11.1983 and the same having been affirmed by the Hon'ble Apex Court in a case reported in ***2005(1) PLJR 464 (State of Bihar & ors. vs. Bihar Rajya MSES KK Mahasangh & Ors.)***.

3. The learned counsel for the petitioner has submitted that the action of the State Government/ Pay Verification Cell in shifting the date of absorption of the petitioner from 08.11.1983 to 20.07.1985 is against the aforesaid judgment of the Hon'ble Apex Court rendered in the case of ***Bihar Rajya MSES KK Mahasangh & Ors.(supra)*** and the respondents are precluded from doing so. It is further submitted that though the State Government has sought to shift the date of absorption, however the University has fixed the date of absorption of the petitioner in consonance with what has been fixed by the Hon'ble Agrawal Commission as also by the Hon'ble Apex Court.

4. *Per contra*, the learned counsel for the respondents do not deny the position as existing in law.



5. Having regard to the facts and circumstances of the case, it is directed that the date of absorption of the petitioner be treated as 08.11.1983 and accordingly, all the consequential benefits be calculated and paid to the petitioner within a period of 12 weeks from today. It is needless to state that the petitioner may represent before the Vice-Chancellor, B.N. Mandal University, Madhepura with a copy of the present order for quick disposal of his case and redressal of his grievances.

6. At this juncture, the learned counsel for the University submits that the State Government be directed to release the funds for the purposes of making payment of the outstanding dues to the petitioner herein. It is directed accordingly.

7. The present writ petition is allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.03.2019
Transmission Date	NA

