

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4472 of 2020

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Dr. Daman Chandra Mishra S/o Late Kamla Kant Mishra, R/o Maa Kamakhya Kutee, Near Bar Gaachh Chowk, Mohalla and P.S.-Barari, Town and District-Bhagalpur.

... .. Petitioner/s

Versus

1. The T.M. Bhagalpur University, Bhagalpur through its Registrar.
2. The Vice-Chancellor, T.M. Bhagalpur University, Bhagalpur.
3. The Financial Advisor, T.M. Bhagalpur University, Bhagalpur.
4. The Registrar, T.M. Bhagalpur University, Bhagalpur.
5. The Finance Officer, T.M. Bhagalpur University, Bhagalpur.
6. The State of Bihar through the Additional Chief Secretary, Department of Education, Govt. of Bihar, Vikas Bhawan, New Secretariat, Patna.
7. The Director, Higher Education, Department of Education, Govt. of Bihar, Vikas Bhawan, New Secretariat, Patna.
8. The Authorised Officer, Pay Verification Cell, Education Department, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Purushottam Kumar Jha
For the Respondent/s : Mr.Madanjeet Kumar (Gp20)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 05-03-2020 Heard learned counsel for the petitioner and the respondents.

The petitioner claims that his case is covered by the decision of this Court dated 16.03.2018 passed in C.W.J.C. No. 511 of 2018 where this Court has occasion to consider the judgment of L.P.A. Court in L.P.A. No. 218 of 2016, which was affirmed by the Apex Court in Civil Appeal No. 2704 of 2017.

Learned counsel appearing on behalf of the University



submits that the petitioner has approached the University and claimed that in terms of the Litigation Policy, the University would extend similar treatment like the petitioners of C.W.J.C. No. 511 of 2018.

Since the petitioner's representation is pending, the writ petition is disposed of with a direction to the University to dispose of the representation of the petitioner. While disposing of the representation, the University is required to consider the date of absorption determined by the Justice SC Agrawal Commission.

It is to be noted here that the State of Bihar as well as the University was party in the judgment of the Apex Court in the case of **State of Bihar & Ors Vs. Bihar Rajya MSESKK Mahasangh**, reported in **(2005) 9 SCC 129**. In the said judgment, the Apex Court approved the report of Justice SC Agrawal Commission in toto and once the report of Justice SC Agrawal Commission has been accepted by the Apex Court in toto, neither the University nor the State can tinker with the findings recorded by the Justice SC Agrawal Commission for the purpose of date of absorption.

Necessary decision for all consequential benefits must be taken by the respondents within a maximum period of three



months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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