

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1377 of 2020

Prof. (Dr.) Kamini Dubey, W/o Mr. Subodh Prasad Shukla, R/o 46, Ram Ratan Lane, Adampur, Bhagalpur, P.S. Adampur, Town and District Bhagalpur.

... .. Petitioner

Versus

1. The T.M. Bhagalpur University, Bhagalpur, through it Registrar.
2. The Vice Chancellor, T.M Bhagalpur University, District- Bhagalpur.
3. The Registrar, T.M Bhagalpur University, District- Bhagalpur.
4. Finance Officer, T.M Bhagalpur University, District- Bhagalpur.
5. The State of Bihar, through the Additional Chief Secretary, Department of Education, Govt. of Bihar, Patna.
6. The Director, Higher Education, Deptt. of Education, Govt. of Bihar, Patna.
7. The Authorised Officer, Pay Verification Cell, Department of Education, Govt. of Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Purushottam Kumar Jha, Advocate
For the Respondents	:	Smt. Binita Singh SC28
For the University	:	Mr. Ashhar Mustafa, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 18-02-2020

Heard learned counsel for the petitioner and learned counsel for the respective respondents.

Learned counsel for the petitioners submits that the issue raised in the present writ application is no more res integra as in similar matter, this Court had occasion to consider the issue in terms of the judgment dated 25.07.2016 passed in LPA



No. 218 of 2016 (**The State of Bihar & anr. Vs. Ram Pravesh Rai & others**) (Annexure-11). Paragraph 11 of the aforesaid judgment is quoted hereinbelow:-

“11. We do not find any force in the submission, so advanced on behalf of the State of Bihar, for the simple reason that these aspects have been elaborately considered in the report of the Justice S.C. Agrawal Committee and, upon examination of all the aspects, the Committee recommended that in such cases, where recommendations for sanction of posts were pending with the State Government, before the cut off date, the effective dates of absorption of the teaching employees would be the dates, when they acquired the eligibility criteria. As has been already noted above, the said report has been accepted by the Supreme Court in its decision in case of State of Bihar & Ors. Vs. Bihar Rajya MSESKE Mahasangh & Ors. (supra). The issue, which has already been decided up to the level of Supreme Court, cannot be re-opened in the present proceeding. The learned Single Judge has rightly held the notifications, under challenge in the writ proceedings (C.W.J.C. No. 21232 of 2014), to be , in the teeth of Supreme Court’s decision in case of State of Bihar & Ors. Vs. Bihar Rajya MSESKE Mahasangh & Ors. (supra), bad in law and, therefore, not sustainable.”

This writ application is also disposed of in the similar manner. The respondents are directed to take corrective measures, in view of the judgment dated 25.07.2016 passed in LPA No. 218 of 2016 (**The State of Bihar & anr. Vs. Ram Pravesh Rai & others**), in the matter of absorption of the petitioner under the said scheme.



With the aforesaid, the present writ petition stands
disposed of.

(Anil Kumar Upadhyay, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	22.02.2020
Transmission Date	N.A.

