

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.404 of 2019

In
Civil Writ Jurisdiction Case No.16742 of 2018

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Sunil Kumar Jha Son of Shri Raj Krishna Jha R/o Village-Satghara, P.S.-Babu Barhi, District-Madhubani

... .. Appellant/s

Versus

1. Kumar Anil Deo Son of Ramawatar Prasad Yadav R/o Village-Sri Nagar, P.S.-Kumar Khand, District-Madhepura
2. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna
3. The Vice Chancellor B.N. Mandal University, Madhepura
4. Registrar B.N. Mandal University, Madhepura

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Binodanand Mishra, Advocate
For the Respondent No.1:	:	Mr. Amaresh Kr. Singh, Advocate
For BNMU	:	Mr. Ritesh Kumar, Advocate
For the State	:	Mr. Shashi Shekhar Tiwary, AC tp AAG-13

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 27-09-2022

Heard learned counsels for the parties.

2. In the instant L.P.A., appellant has assailed the order of the learned single Judge dated 06.02.2019 passed in C.W.J.C No 16742 of 2018. Appellant Sunil Kumar Jha was arrayed as 5th Respondent in the aforesaid writ petition. However, perusal of the order dated 06.02.2019, it is crystal clear that service particulars of Sunil Kumar Jha- appellant has



not been taken into consideration. Therefore, appellant has made out a *prima facie* case to modify the order dated 06.02.2019. Accordingly, in the following manner order of the learned single Judge dated 06.02.2019 is modified.

3. The University-respondent is hereby directed to collect or peruse the service particulars of appellant Sunil Kumar Jha and Kumar Anil Deo read with necessary materials relating to eligibility criteria for absorption of their services in the university. Their service particulars shall be taken note of and proceed to issue a show cause notice, who is entitled to absorption.

4. The university may also take note of length of service rendered by Kumar Anil Deo and Sunil Kumar Jha. If only one post is available for absorption whether University could create one more post or not so as to meet the hardship with reference to their length of service rendered. If the University's hands are tied in not creating one more post so as to accommodate a person who is eligible for absorption in that event necessary action shall be taken by providing ample opportunity to respective parties. The above exercise shall be completed within a period of four months from the date of receipt of this order. University shall pass speaking order while passing absorption



order.

5. Accordingly, the present LPA stands disposed of.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

rakhi/Shoaib

AFR/NAFR	
CAV DATE	
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