

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25059 of 2018

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Gajendra Kumar Sharma S/O Late Umeshwar Sharma R/O village-Koni,
P.O.-Sunda, P.S.-Kurtha, District-Arwal, works as Assistant in S.B.A.N.
College, Darheta-Lari, Arwal, Magadh University, Bodh Gaya, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Additional Commissioner-cum-Secretary, Education Department,
Government of Bihar, Patna
4. The Additional Secretary, Education Department, Government of Bihar,
Patna
5. The Joint Secretary, Education Department, Government of Bihar, Patna
6. The Director Administration, Education Department, Government of Bihar,
Patna
7. The Deputy Director Statistics, Education Department, Government of
Bihar, Patna
8. The Director, Higher Education, Education Department, Government of
Bihar, Patna
9. The Joint Director, Higher Education, Education Department, Government
of Bihar, Patna
10. The Magadh University through its Chancellor, Bodh Gaya Gaya, Bihar,
11. The Vice Chancellor, Magadh University, Bodh Gaya Gaya, Bihar
12. The Registrar, Magadh University, Bodh Gaya Gaya, Bihar
13. The Finance Officer, Magadh University, Bodh Gaya Gaya, Bihar.
14. S.B.A.N. College, through its Principal, Darheta-Lari, Arwal
15. The Principal, S.B.A.N. College, Darheta-Lari, Arwal

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vagisha Pragya Vacaknavi , Adv.
For the Respondent/s : Smt. Binita Singh- Sc28

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 22-11-2022 Both the counsels are ad adum that the law is settled

by the coordinate Bench in C.W.J.C. No. 8338 of 2018 (Ram



Chandra Singh Vrs. The State of Bihar & Ors.) decided on 06.08.2018 would govern the present case also as the petitioner is also an Assistant which is a non-teaching category.

In Ram Chandra Singh (supra) the coordinate Bench after taking into consideration the law as settled by the Apex Court in the State of Bihar & Ors. Vrs. Bihar Rajya M.S.E.S.K.K. Mahasangh & Ors. reported in (2005) 9 SCC 129 proceeded to hold as under :

“Considering the judgment in C.W.J.C. No. 17670 of 2017 the order of reviewing the notification of absorption of the petitioner is declared nullity, the respondents are directed to restore the petitioner the status of absorbed non-teaching employee with all consequential benefits.

Final decision as to consequential benefit must be taken by the University within a period of four months from the date of receipt/production of a copy of this order.”

In the present case too, the petitioner read that issue be treated as absolved on regularized non-teaching employees and also be granted the pay and allowances.

Keeping in view above, the respondents are directed



to restore the petitioner the status of absorbed non-teaching employees with all consequential benefits. The consequential benefits shall be calculated and released by the University within a period of four months from the date of submission of a copy of this order.

With the aforesaid observations and directions, this writ petition is disposed of.

(Sanjeev Prakash Sharma, J)

Shamshad/-
Item No. 102

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