

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9261 of 2021

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Arun Kumar Choudhary S/o-Late Shivkant Choudhary, resident of Hanuman Mandir Gali, Lalabagh, Tilkamanjhi, P.S.-Tilkamanjhi, District-Bhagalpur, presently, working as Lab-In-Charge, Department of Psychology, Maharaja Lakshmishwar Singh Memorial College, Darbhanga under L.N. Mithila University, Darbhanga.

... .. Petitioner/s

Versus

1. Lalit Narayan Mithila University, Darbhanga through its Registrar.
2. The Vice-Chancellor, Lalit Narayan Mithila University, Darbhanga.
3. The Registrar, Lalit Narayan Mithila University, Darbhanga.
4. The Principal, M.L.S.M. College, Darbhanga.
5. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
6. The Principal Secretary, Education Department, Govt. of Bihar Patna.
7. The Director, Higher Education, Education Department, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Adv.
For the State	:	Mr. Prabhat Ranjan Singh, Adv.
For the L.N.M.U.	:	Mr. Bindhyachal Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-07-2024 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the University.

2. The present writ petition has been filed seeking the following reliefs:

“(i) To hold and declare that, once the University took conscious decision of Absorption of the services of the petitioner vide Notification as contained in Memo No. 358-444/06 dated 04.04.2006 (Annexure-11) and after due deliberation in the meetings of the Syndicate, review thereof by the Respondents University in the name of correction is impermissible.

(ii) To hold and declare that, the case of the petitioner is squarely covered by the ratio of the



order and judgment of this Hon'ble Court dated 17.07.2018 in C.W.J.C. No. 17670 of 2017 order and judgment dated 19.07.2018 in C.W.J.C. No. 335 of 2018 as well as order & judgment dated 18.09.2018 in C.W.J.C. No. 16835 of 2014 (Annexure-20, 21 and 22 respectively)

And consequent upon such Declaration

(iii) For issuance of an Order, Direction or a Writ in the nature of Mandamus commanding the Respondents concerned to treat the Petitioner as duly absorbed Lab In-charge (a Class III employee) in the service of the M.L.S.M. College, Darbhanga, a constituent unit of L.N. Mithila University.

(iv) Issuance of an order, direction or a writ in the nature of mandamus commanding the Respondents concerned to make the payment of petitioner's current salary and to pay arrears of salary claim of the petitioner as well, since, the petitioner has been discharging his duties in the College in hand continuously and uninterruptedly, up to the full satisfaction of all concerned.

(v) For grant of any other relief or reliefs to which the petitioner may be found entitled to, in the facts and circumstances of the case."

3. At the very outset, learned counsel for the petitioner submits that the petitioner's case is squarely covered by the order passed by a co-ordinate Bench of this Court in C.W.J.C. No. 17670 of 2017 dated 17.07.2018.

4. Considering the above-mentioned facts, the petitioner is directed to file a detailed representation before the respondent no. 3 (The Registrar, Lalit Narayan Mithila University, Darbhanga) along with copy of order dated 17.07.2018 passed in C.W.J.C. No. 17670 of 2017 and all supporting documents within a period of four weeks and the



respondent no. 3 is well advised to consider the case of the petitioner after affording opportunity of personal hearing or through his counsel and pass a reasoned and speaking order in accordance with law within ten weeks thereafter.

5. It is made clear that this Court has not gone to the merit of the case.

6. It is made clear that the respondent no. 3 shall be liable for non-compliance of this order within the stipulated period.

7. If the petitioner is entitled to any consequential benefits, the State is directed to release funds in favour of the petitioner.

8. With the aforesaid direction, the writ application stands disposed of.

(Anjani Kumar Sharan, J)

anand/-

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