

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).12591/2010

(From the judgement and order dated 11/03/2010 in CWJC No.9260/2009 of The HIGH COURT OF PATNA)

KRISHNA NAND YADAV

Petitioner(s)

VERSUS

MAGADH UNIVERSITY & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T., directions, vacating stay, impleadment, permission to file additional documents, exemption from filing typed copies and office report)
(For final disposal)

WITH

SLP(C) NO. 24160-24200 of 2010

(With appln. for directions and vacating stay and permission to file addl. documents and with prayer for interim relief and office report)
(for final disposal)

SLP(C) NO. 23785-23794 of 2010

(With appln. for vacating stay and directions and permission to file and with prayer for interim relief and office report)
(For final disposal)

WITH SLP(C) NO. 14091 of 2010

(With appln. for exemption and exemption from filing O.T. and with prayer for interim relief and office report)
(For final disposal)

SLP(C) NO. 31288-31294 of 2010

(With appln. for directions and permission to file additional documents and impleadment and office report)
(For final disposal)

SLP(C) NO. 31295-31297 of 2010

(With appln. for directions and exemption from filing O.T. and impleadment and impleadment as petitioner and permission to file additional documents and office report)
(For final disposal)

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SLP(C) NO. 31185 of 2010

(With appln. for directions and exemption from filing O.T. and office report)
(For final disposal)

SLP(C) NO. 31186-31187 of 2010

(With appln. for exemption from filing O.T. and intervention and directions and office report)
(for final disposal)

SLP(C) NO. 35161 of 2010

(With appln. for directions and office report)
(For final disposal)

SLP(C) NO. 35166 of 2010

(With with appln. for directions and exemption from filing O.T. and

Mr. Ambhoj Kumar Sinha,Adv.

Mr. M.S. Mishra,Adv.

Mr. C.D. Singh,Adv.

Mr. D.K. Mishra,Adv.

Mr. S.P. Singh,Sr.Adv.

Mr. S. Premchandra,Adv.

Mr. Tej Singh V.,Adv.

Mr. Gopal Singh,Adv.

Mr. Manish Kumar,Adv.

Mr. Chandan Kumar,Adv.

Mr. Abhinav Mukerji,Adv.

Mr. Angud K.Adv.

...4/-

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For Respondent(s)

Mr. Vijay Hansaria,Sr.Adv.

Mr. Gopal Singh,Adv.

Mr. Manish Kumar,Adv.

Mr. Chandan Kumar,Adv.

Mr. Rakesh Kr. Khanna,ASG

Mr. Rajiv Saxena,Adv.

Ms. Seema Rao,Adv.

Mr. R.P. Singh,Adv.

Mr. Chandra Prakash,Adv.

Mr. Lakshmi Raman Singh,Adv.

Mr. Mohit Kumar Shah,Adv.

Mr. Tungesh,Adv.

Mr. Shiva Lakshmi,Adv.

Mr. T.Mahipal,Adv.

Mr. Neeraj Shekhar,Adv.

Mr. Rajesh Prasad Singh,Adv.

Mr. Ambhoj Kumar Sinha,Adv.

Mr. Brajesh Kumar,Adv.

Mr. Ajay Kumar Talesara,Adv.

Mr. Arup Banerjee,Adv.

Mohd. Naved,Adv.

Mr. M.P. Jha,Adv.

Mr. Ram Ekbal Roy,Adv.

Mr. Harshvardhan Jha,Adv.

Mr. Atul Jha,Adv.

Mr. Sandeep Jha,Adv.

Mr. Dharmendra Kumar Sinha,Adv.

...5/-

Upon hearing counsel, the Court made the following
O R D E R

After hearing all the parties concerned, we pass the following order:

1. Considering the order passed by the High Court and taking note of various factual aspects to be considered, we appoint Hon'ble Mr. Justice S.C. Agrawal (Former Judge of this Hon'ble Court) as one man Commission to enquire into the following issues:

a) The Commission shall adjudge the claims of each of the employees (both teaching and non teaching) for absorption in constituent colleges on the anvil of Justice Agarwal Commission report dated 10.12.2001 and the decision of the Supreme Court in State of Bihar versus Bihar Rajya MSESKK Maha Sangha, 2005 (9) SCC 129.

b) Each of the Writ Petitioners shall file their requisite brief with all the details and the basis of claiming absorption before the Commission within 4 week with advance copies to (i) concerned University, (ii) Principal Secretary, Higher Education, State of Bihar and (iii) Standing counsel for State of Bihar in Supreme Court. No claim made thereafter shall be entertained.

c) The concerned University and State of Bihar shall file their response within 4 weeks thereafter.

d) The present order shall relate only to cases which have been disposed of by the Patna High Court vide judgment and order dated 11.03.2010 in LPA No. 1304 of 2009 and connected matters.

...6/-

In addition to the same, the persons who were not party are also permitted to make their representation before the Commission.

For the above said purpose, the Commission has to issue notification in the local daily prescribing four weeks time for filing their representation.

e) The Registrar of the Universities shall produce all the records as directed by the Commission.

2. The Commission shall endeavour to complete the exercise within 6 months. All the parties shall cooperate with the functioning of the Commission and shall not ask adjournment.

3. Contempt Petitions pending before the High Court filed by

the employees claiming absorption on the basis of Justice Agrawal Commission report dated 10.12.2001 and the decision of the Hon'ble Supreme Court in State of Bihar versus Bihar Rajya MSESkk Maha Sangha, 2005 (9) SCC 129 shall remain stayed.

4. The Commission is permitted to fix its own remuneration, which shall be paid by the State of Bihar.

Put up all these matters in the second week of July, 2013 for further directions.

[Madhu Bala]
Sr.PA

[Savita Sainani]
Court Master