

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.668 of 2014

IN

Civil Writ Jurisdiction Case No. 20755 of 2013

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1. B.N. Mandal University through the Vice Chancellor, B.N. Mandal University, at Madhepura, P.O. Madhepura, District- Madhepura.
 2. Dr. R.N. Mishra, Vice Chancellor, B.N. Mandal University, Madhepura, P.O. Madhepura, District- Madhepura.
 3. Dr. B.N. Biveka, the Registrar, Mandal University, at Madhepura, P.O. Madhepura, District- Madhepura.
 4. Dr. Kishore Nath Jha, Deputy Registrar (1) Finance, B.N. Mandal University, Madhepura, P.O. Madhepura, District- Madhepura.

.... Appellant/s

Versus

1. Raj Kishore Prasad Sinha, S/o. late Raghunath Prasad Singh, Finance Officer, B.N. Mandal University, Madhepura, resident of Anandpuri, Bibiganj, North of Railway Pani Tanki, (Near S.K. Tent House), P.S. Muzaffarpur Sadar District- Muzaffarpur-842001.
2. The Director Higher Education, Government of Bihar, Patna.
3. The State of Bihar through Principal Secretary, Higher Education, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bipin Bihari Singh, Advocate.
Mr. S. Azeem, Advocate.
Mr. Shyama Kant Singh, Advocate.
For the Respondent/s : Mr. Nand Kishore Singh, Advocate.
Mr. Amit Anand, Advocate.

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

AND

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date: 29-01-2015

An interim order of this Court passed by learned single Judge, dated 10.03.2014, in CWJC No. 20755 of 2013, is under challenge in the present appeal under Clause 10 of the Letters Patent of this High Court.

2. The appeal has been preferred by B.N. Mandal



University and its officials, who were respondents in the writ proceeding. From the order, under appeal, it appears that learned single Judge has directed the University to allow the sole respondent, Raj Kishore Prasad Sinha, to continue to function as Finance Officer of the University, because Sri Raj Kishore Prasad Sinha was appointed as a Finance Officer of the University under the orders of the Chancellor of the Universities of Bihar. It seems that the Vice Chancellor of the University had restrained the sole respondent from discharging his functions as Finance Officer and had authorized Dr. Bipin Kumar Singh to discharge some of the duties of the Finance Officer and to put signature on the cheques, in place of the Finance Officer, i.e., sole respondent. Learned single Judge, as regards the grievance of the writ petitioner, i.e., sole respondent, for payment of salary, directed the University to ensure the payment of arrears of salary from 26.10.2013 till date (10.03.2014 being the date of the order). It has also been indicated by learned single Judge that the payment of salary would be made in the same pay scale, which the writ petitioner was drawing earlier and would remain subject to final order to be passed by the learned Chancellor of the Universities. There are directions, in the order under appeal, *inter alia*, asking the Vice Chancellor to file affidavit on certain issues.

3. Learned counsel for the appellant submits that the



directions given by order, under appeal, dated 10.03.2014, has been substantially implemented inasmuch as the writ petitioner-respondent has been given full charge as Finance officer of the University. He has also stated that arrears of salary have also been paid to the writ petitioner up to August, 2014. He further contends that the University is finding it difficult to pay his salary in the scale, which he had been getting from his previous employer i.e., Bhagalpur University, until the B.N.Mandal University receives the records from Bhagalpur University indicating the salary, which he had been receiving while he was working in the said University. He submits that once such document is made available to B.N. Mandal University, the entire arrears of salary shall be paid to the petitioner.

4. Keeping in mind the submission as advanced on behalf of the appellant, we do not find any reason to entertain this Letters Patent Appeal as the appellant themselves have elected to implement the order. Further, we do not find any infirmity in the order passed by the learned single Judge, which would require inference by us in an *intra Court* appeal. We do not find much force in the submissions, made on behalf of the appellants, that the writ petitioner-respondent ought to have produced before B.N. Mandal University the records in support of the claim that he had been receiving a particular scale from

Bhagalpur University. It is always upon to B.N. Mandal University to obtain such information from Bhagalpur University.

- 5. We do not find any merit in this appeal.
- 6. This appeal is accordingly dismissed.

(I. A. Ansari, J.)

(Chakradhari Sharan Singh, J.)

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