

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4101 of 2013

In

Civil Writ Jurisdiction Case No. 18552 of 2009

=====

1.Md. Wasi Ahmad son of Md. Khalil Ahmad
2.Deo Nandan Mahto, Son of Late Mahabir Mahto
3.Anil Kumar (Blind), son of Bachhulal
4.Nitya Nand Jha, Son of Late Baldeo Jha
5.M. Shamim Akhtar, Son of Late Hasibur Rahman
6.Md. Gul Hassan, Son of Late Md. Mohsin
7.Shivanand Saha, Son of Late Awadh Bihari Sah
8.Rajiv Lochan, Son of Late Bhuvneshwar Arya
9.Kamal Kishor Singh, Son of Late Bhagwat Prasad Singh
10.Kapil Deo Tanti, Son of Late Chander Tanti
11.Syed Sajjad Haider, Son of Late S.K. Haider
12.Bijay Kumar Bhagwat, Son of Late Harihar Prasad Bhagwat
13.Nazmuddin, Son of Late Abdul Aziz All are Readers, working at M.L. Arya College, Kasba, P.O & P.S Kasba, District Purnia
14.Chandrakant Yadav, Son of Late Sengushwar yadav
15.Amarendra Kumar Singh, Son of Mohan Lal Singh
16.Basudeo Prasad Yadav, Son of Late Dunilal Yadav all are Readers working at Purnia College, Purnia.

.... Petitioner/s

Versus

1.The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2.Sri Amarjeet Sinha, presently posted as the Principal Secretary, Education Department, Government of Bihar, Patna.
3.Sri Seta Ram Singh presently posted as the Director, Higher Education, Education Department, Government of Bihar, Patna.
4.Sri R.N. Mishra, presently posted as the Vice-Chancellor, B.N. Mandal University, Laloo Nagar, Madhepura
5.Sri Vishwanath Viveka, presently posted as the Registrar, B.N. Mandal University, Laloo Nagar, Madhepura
6.Sri Raj Kishor Prasad, presently posted as the Finance Officer, B.N. Mandal University, Laloo Nagar, Madhepura
7.Sri I. K. Rao, presently posted as the Principal, Purnea College. Purnea

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Ms Asha Verma, Advocate
For the University : Mr Raju Giri, Advocate
For the S t a t e : Mr Satyeshwar Prasad, AC to GP 9

=====

ORAL JUDGMENT

Date: 24-11-2015

This matter arises out of the judgment and order of this



Court in relation to fixation of basic pay of Readers consequent to the revision of pay scale in the year 2006. This Court explained the situation and directed the University to make payments accordingly. Payments having not been made to the satisfaction of the petitioners, these proceedings for initiating contempt were filed. Several rounds of affidavits have been exchanged. The stand of the University is that they have strictly followed the judgment of this Court whereas the petitioners' stand is that the University has deliberately miscalculated the entitlements. Regrettably, what are the exact miscalculation is not being shown? The petitioners claim that the calculation, as made by the University, has reduced the liability of the University by over lakhs of rupees per person. It is submitted that similarly situated persons, who were similarly appointed and promoted, have been given different amounts. Again, it is not explained what is the difference?

2 In such situation, it is difficult for this Court to, in these proceedings to adjudicate upon this aspect of the matter. However, as substantial payments have already been made, I would direct that the petitioners individually would file their claims explaining the mistake, if any, being committed by the University and any other discrepancy. These claims would be filed before the Financial Controller of the University. They would be filed within one month from today. It would be the responsibility of the Registrar of the University to see

that the Financial Controller examines each case individually and passes a detailed order explaining as to what is wrong in the calculation of the petitioner and how the University's calculation is correct. He would also be obliged to answer such other query that may be raised in those representations by the petitioners. These responses would be given, with speaking order to the respective petitioners, within two months of their filing of their representations, the responsibility of which would be upon the Registrar and the Financial Controller. If petitioners are aggrieved in any manner, they would have such remedy as they may be advised.

3 With these observations and directions, these proceedings stand disposed of.

(Navaniti Prasad Singh, J)

M.E.H./-

U			
---	--	--	--