

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7536 of 2014

Sanjeev Kumar Mishra Son of Late Dr. Bal Krishna Mishra Resident of Naya Gaon (Ali Nagar) Mungrora, Jamalpur, P.S. Jamalpur, District Munger, presently residing in Amola Colony, Jamalpur Munger Road, Jamalpur, P.S. Jamalpur, District Munger. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Deptt. of Education, Govt. of Bihar, Patna.
2. The Principal Secretary, Deptt. of Education, Govt. of Bihar, Patna.
3. The Secretary (Higher Education) Deptt. of Education, Govt. of Bihar, Patna.
4. The Director (Higher Education) Deptt. of Education, Govt. of Bihar, Patna.
5. The Tilka Manjhi Bhagalpur University through its Vice Chancellor at Bhagalpur.
6. The Vice Chancellor, T.M. Bhagalpur University at Bhagalpur.
7. The Registrar T.M. Bhagalpur University at Bhagalpur.
8. The Finance Officer, T.M. Bhagalpur University at Bhagalpur.
9. The Principal Jamalpur College, Jamalpur at Jamalpur, P.S. Jamalpur, District Munger (a Constituent unit of T.M. Bhagalpur University)

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sharma
For the Respondent/s : Mr. Roy Shivaji Nath

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 07-09-2015

07.09.2015

Heard learned counsel for the parties.

Petitioner came to be appointed on compassionate ground by the university authorities after the death of his father. Appointment was made on a Class-IV post at Jamalpur College, Jamalpur by virtue of the decision, dated 25.05.2012. Petitioner has been compelled to file the writ application because he is not being paid any salary. On the face of it, it may look incongruent that a duly appointed person is not being paid his salary regularly because there is no dispute with regard to the background under which the petitioner

came to be appointed under compassionate head.

As usual, the problem is adjustment of the petitioner on a sanctioned vacant post. If there is no sanctioned vacant post, the State authorities will not release any fund for payment and that seems to be the position even in the present case as would be evident from reading of paragraph 9 of the second supplementary counter affidavit filed on behalf of the university.

The Court, therefore, directs the university authorities to complete the exercise of adjustment of the petitioner or such persons against vacant sanctioned post, communicate the outcome of such an exercise to the State Government and the State Government thereafter will do the needful on the basis of such a decision and verification of the decision of adjustment of the petitioner on a vacant sanctioned post. An earlier decision in this regard will be welcome move both on behalf of the university as well as the State Government.

Writ application is disposed off with above direction.

(Ajay Kumar Tripathi, J.)

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