

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.63 of 2013

IN

Civil Writ Jurisdiction Case No. 14133 of 2012

Dr. Braj Kishore Prasad S/o Late Yadu Prasad R/o Flat No.106, Mahavir Enclave,
Ambedkar Path, Khajpura, Bailey Road, P.S.-Rajiv Nagar, Town & Distt-Patna

.... Petitioner/s

Versus

1. The Maadh University, Bodh Gaya , District-Gaya, Through Its Registrar, Namely Mr. D.K.Yadav
2. The Vice-Chancellor, Magadh University, Bodh Gaya, Distt-Gaya, Namely Dr. Arun Kumar
3. The Finance Officer, Magadh University, Bodh Gaya, Distt-Gaya, Namely Mr. D.K.Sinha
4. The State of Bihar Through The Principal Secretary, Education Dept. , Govt. of Bihar, New Secretariat, Patna, Namely Mr. Amarjit Sinha, I.A.S.
5. The Director, Department of Higher Education , Government of Bihar, New Secretariat, Patna, Namely Dr. S.R. Singh

.... Respondent/s

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 26-02-2015

This contempt application is filed for non-compliance of the direction as contained in order the dated 28.08.2012 passed in C.W.J.C. No. 14133 of 2012 with observation as follows:

“It is therefore considered appropriate at this stage to direct the respondent university to consider the grievances of the petitioner in the manner discussed in the present order and dispose it by a reasoned and speaking order preferably within a maximum period of four months from the date of receipt and/or presentation of a copy of this order.

Keeping in mind that the petitioner is a superannuated employee with no other source of

income except for the pension that he may be receiving, it is bounden duty of the University to give him preference in payment of arrears vis-à-vis those who are in service and are receiving full salary.”

Learned A.C. to A.A.G. 11, appearing on behalf of opposite parties 1, 2 and 3, officials of the Magadh University, in presence of learned counsel for the petitioner and learned counsel for the State, submits that in compliance of the direction, as contained in C.W.J.C. No. 14133 of 2012 order dated 28.08.2012, the representation of the petitioner has already been disposed of vide order dated 25.06.2013 (Annexure-A to the Show Cause) by opposite party no.1, Registrar, Magadh University, which would appear from paragraph no.5 of the show cause filed on behalf of opposite party nos.1 to 3 and accordingly, balance amount of Rs. 8,85,478/- has already been paid refusing the entitlement of two advance increments, as claimed by the petitioner after obtaining the Ph. D. Degree.

Learned counsel appearing on behalf of the petitioner submits that two increments of the petitioner have been illegally refused by opposite party no.1.

In view of the above submission, since the order under contempt has already been complied by opposite party by speaking order on 25.06.2013, Annexue-A to the show cause filed

on behalf of opposite party nos. 1 to 3, further no action is required to be taken. Accordingly, this contempt application is disposed of.

(Rajendra Kumar Mishra, J.)

Shail/-

U			
---	--	--	--