

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3155 of 2015

In

Civil Writ Jurisdiction Case No. 15346 of 2012

-
1. Prof. Dhobi Prasad Singh, son of late Rameshwar Prasad Singh, resident of Professor Colony Dharmeshwar Ghat, Biharsharif, P.S. – Biharsharif, District – Nalanda retired as Prof. from Nalada College, Biharsharif, District – Nalanda.
 2. Prof. Dhurendra Lal Shashtri, son of late Shreedhar Pandey, resident at village + P.O. – Maghara, Biharsharif, P.S. – Deepnagar, District – Nalanda, retired as Prof. from S.U. College, Hilsa, District – Nalanda.
 3. Md. Shamim Hyder, son of late Md. Raza Hyder, resident of Kaghzi Mohalla, P.S. – Biharsharif, District – Nalanda, retired as Prof. from Nalada College, Biharsharif, District – Nalanda.
 4. Rajendra Prasad, son of late Punit Prasad, resident of H/O- Ramanand Singh, near Shiv Mandir Jakkanpur Patna, retired as Reader from S.M.D. College, Punpun, District – Patna.
 5. Parmanand, son of late Bankey Biharilal, resident of Professor Colony Dharmeshwar Ghat, P.S. – Biharsharif, District – Nalanda, retired as Reader from S.P.M. College, Biharsharif, District – Nalanda.
 6. Prof. Kamala Prasad, son of Raghunath Lal, resident of Mohalla – Laheri, D.A.V. School Lane, P.S. – Biharsharif, District – Nalanda, retired as Prof. from Nalada College, Biharsharif, District – Nalanda.
 7. Smt. Chinta Mani Devi, wife of Late Rajendra Prasad, resident of C/o – Dr. Dayanand Prasad Doctor's Colony, Khandakpar Biharsharif, District – Nalanda.

.... Petitioners

Versus

1. The State of Bihar
2. Sri R.K. Mahajan, the Principal Secretary, Higher Education, Government of Bihar, New Secretariat, Patna.
3. Md. Isteaque, presently posted as Vice-Chancellor, Magadh University, Bodh Gaya.
4. Sri Shushil Kumar Singh, presently posted as Registrar, Magadh University, Bodh Gaya.
5. Sri D.K. Sinha, presently posted as Finance Officer, Magadh University, Bodh Gaya.

.... Respondents

WITH

Miscellaneous Jurisdiction Case No.3212 of 2015

IN

Civil Writ Jurisdiction Case No. 15346 of 2012

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1. Prof. Durga Lall, son of late Jagannath Ram, resident of Mogalkuan, P.O. + P.S. – Sohsarai, Biharsharif, District – Nalanda, retired as Professor in the subject of Psychology from Kisan College Sohsarai, Biharsharif, Nalanda.
 2. Shefali Mahto, daughter of late Ramchandra Mehta, resident of Azad Mohalla at + P.O. – Sohsarai, Biharsharif, District – Nalanda retired as Reader in the subject of Mathematics from Kisan College Sohsarai,



Biharsharif, Nalanda.

3. Prof. Sheodayal Sahu, son of late Karu Sao, resident of Kathal Tola, at & P.O. Sohsarai Biharsharif, District – Nalanda, retired as Professor in the subject of Commerce from Kisan College Sohsarai, Biharsharif Nalanda.
4. Prof. Jageshwar Prasad, son of late Haro Mahto, resident of Azad Mohalla, At + P.O. – Sohsarai Biharsharif, District – Nalanda, retired as Professor in the subject of Mathematics from Kisan College Sohsarai, Biharsharif Nalanda.
5. Prof. Rajendra Prasad Sharma, son of late Nand Kishore Singh, resident of Kachhari Road near Kanya High School, Biharsharif, retired as Reader in the subject of Philosophy from Nalanda College, Biharsharif Nalanda.
6. Prof. Ram Kripal Choudhary, son of late Shree Badal Choudhary, resident of Professor Colony Dharmeshwar Ghat, Biharsharif, Nalanda, retired as Professor in the subject of Political Science from Kisan College Sohsarai, Biharsharif Nalanda.
7. Rajendra Prasad Sinha, son of late Pramod Bihari Singh, resident of Kachhari Road, Biharsharif, District – Nalanda, retired as Reader in the subject of Geography from Kisan College Sohsarai, Biharsharif Nalanda.
8. Sohago Devi, wife of late Prof. Ram Krishna Prasad, resident of Mogalkuan, P.S. – Biharsharif, District – Nalanda.
9. Prof. Ram Pravesh Prasad Verma, late Ram Autar Prasad Verma, resident of near Kanya High School, Biharsharif, district – Nalanda, retired as Professor in the subject of Physics from Kisan College Sohsarai, Biharsharif Nalanda.
10. Prof. Deonandan Prasad, son of late Parmeshwar Singh, resident of Bhaisasur, P.S. – Biharsharif, District – Nalanda, retired as Professor in the subject of Chemistry, Kisan College Sohsarai, Biharsharif Nalanda.
11. Chandra Kala Devi, wife of late Dularchand Sharma, resident of Mohalla – Mogalkuan Biharsharif, District – Nalanda.

.....Petitioners

Versus

1. The State of Bihar
2. Sri R.K. Mahajan, the Principal Secretary, Higher Education, Government of Bihar, New Secretariat, Patna.
3. Md. Isteaque, presently posted as Vice-Chancellor, Magadh University, Bodh Gaya.
4. Sri Shushil Kumar Singh, presently posted as Registrar, Magadh University, Bodh Gaya.
5. Sri D.K. Sinha, presently posted as Finance Officer, Magadh University, Bodh Gaya.

.... Respondents

WITH

Miscellaneous Jurisdiction Case No.3313 of 2015

IN

Civil Writ Jurisdiction Case No. 15346 of 2012

- =====
1. Prof. Rajendra Naraiyan Poddar, son of late Ram Khelawan Singh, resident of Mogalkuan Poddar Niwas, P.S. – Sohsarai, District –



Nalanda, retired as Professor in the subject of Commerce from Kisan College Sohsarai, Biharsharif, Nalanda.

2. Prof. Shashi Bhushan Singh, son of late Mukhram Singh, resident of Katcheri Road, Biharsharif, District – Nalanda, retired as Professor in the subject of Physics Kisan College Sohsarai, Biharsharif, Nalanda.
3. Prof. Prabhakar Choudhary, son of late Haldhar Prasad Choudhary, resident of near Khadi Bhandar, Kagazi Mohalla, P.S. – Biharsharif, District – Nalanda, retired as Professor in the subject of Mathematics Kisan College Sohsarai, Biharsharif, Nalanda.
4. Dr. Mahendra Prasad Singh, son of Late Deoki Nandan Prasad Singh, resident of Mogalkuan, P.S. – Sohsarai, District – Nalanda, retired as Professor in the subject of Zoology, Kisan College Sohsarai, Biharsharif Nalanda.
5. Chandeshwar Prasad Singh, son of late Mahabir Prasad Singh, resident of Kagazi Mohalla, Ranchi Road, P.S. – Biharsharif, District – Nalanda, retired as Professor in the subject of Chemistry, Kisan College Sohsarai, Biharsharif Nalanda.
6. Surendra Prasad, son of late Bihmsen Prasad, resident of Manorama Place Naisarai Chowk Biharsharif Nalanda, retired as Reader in the subject of Botany from Sardar Patel Memorial College, Udantpuri.

.... Petitioners

Versus

1. The State of Bihar
2. Sri R.K. Mahajan, the Principal Secretary, Higher Education, Government of Bihar, New Secretariat, Patna.
3. Md. Isteaque, presently posted as Vice-Chancellor, Magadh University, Bodh Gaya.
4. Sri Shushil Kumar Singh, presently posted as Registrar, Magadh University, Bodh Gaya.
5. Sri D.K. Sinha, presently posted as Finance Officer, Magadh University, Bodh Gaya.

.... Respondents

WITH

Miscellaneous Jurisdiction Case No.3207 of 2015

IN

Civil Writ Jurisdiction Case No. 15346 of 2012

- =====
1. Prof. Bhupendra Nath Pandey, son of late Satendra Nath Pandey, resident of Hill View Compound, P.S. – Rampur, District – Gaya, retired as University Professor in the subject of Zoology from post Graduate Department Magadh University, Bodhgaya.
 2. Ram Suresh Singh, son of late Chandra Deo Singh, resident of Sujata Bypass Road behind Budharam Temple, Bodhgaya, retired as Reader in the subject of Physics from Post Graduate Department, Magadh University, Bodhgaya.
 3. Ram Prasad Singh, son of late Ram Badan Singh, resident of J/62 Housing Board Colony, Gaya-823001, retired as Reader in the subject of Physics from Post Graduate Department Magadh University, Bodhgaya.
 4. Prof. Ram Naresh Prasad Sharma, son of late Karu Singh, resident of Deodharpur, P.S. – Tikari, District – Gaya, retired as University



Professor in the Head of Department of Geography, Magadh University,
Bodhgaya.

.... Petitioners

Versus

1. The State of Bihar
2. Sri R.K. Mahajan, the Principal Secretary, Higher Education, Government of Bihar, New Secretariat, Patna.
3. Md. Isteaque, presently posted as Vice-Chancellor, Magadh University, Bodh Gaya.
4. Sri Shushil Kumar Singh, presently posted as Registrar, Magadh University, Bodh Gaya.
5. Sri D.K. Sinha, presently posted as Finance Officer, Magadh University, Bodh Gaya.

.... Respondents

WITH

Miscellaneous Jurisdiction Case No.552 of 2016

IN

Civil Writ Jurisdiction Case No. 15346 of 2012

- =====
1. Prof. Sachchidanand Sharma Son of Late Ramdev Prasad Singh, resident of Village- Dakhingaon, P.S.- Wazirganj, District- Gaya, Retired as Univ. Prof. Department of English, Gaya College, Gaya.
 2. Prof. Ramashish Singh, son of Mathura Singh, resident of Opposite Judicial Quarter Chanakyapuri Colony, P.S.- Rampur, District- Gaya, Retired as Prof. in the subject of Chemistry Post Graduate Department Magadh University, Bodh Gaya.
 3. Dr. Brahmeshwar Nath Pandey, son of Late Jagat Narayan Pandey, resident of Patrakar Nagar, P.S.- Patrakar Nagar, District- Patna, Retired as University Professor from post Graduate Department Magadh University, Bodh Gaya.
 4. Dr. Rameshwar Prasad, son of Late Panchu Yadav, resident of Mohalla- Kharkhura, P.S.- Delha, District- Gaya, retired as Reader in the subject of Chemistry, Post Graduate Department, Magadh University Bodh Gaya.
 5. Subir Kumar Roy, son of Late Subodh Kumar Roy, resident of Hill View Compound Swami Pranava Nand Path, Rampur Gaya, Retired as Reader in the subject of Physics, J.J. College, Gaya.
 6. Prof. Bisheshwar Prasad Singh,, son of Late Sidheshwar Prasad Singh, resident of Koilwar House, Lal Bahadur Shashtri Path River Side Road, Kirani Ghat, P.S.- Kotwali, District- Gaya, Retired as Professor in the subject of Hindi from T.S. College, Hisua (Nawada).
 7. Yogendra Narayan Lal, son of Late Raj Kishore Narayan Lal, resident of L-71 Housing Board Colony Anugrahपुरi, Gaya, Retired as Reader in the subject of Botany, J.J. College, Gaya.
 8. Dr. Suresh Prasad Singh, son of Late Nageshwar Singh, resident of M.I.G.- 29, Chanakyapuri Colony, Gaya, Retired as Professor in the subject of Psychology, Gaya College, Gaya.
 9. Dr. Ram Naresh Singh, son of Late Vidya Prasad Singh, resident of 268 A.P. Colony Gaya, P.S.- Rampur, District- Gaya, Retired in the subject of A.I. & A.S. from S.N.S.S. College, Tekari Gaya.
 10. Surajdeo Prasad Singh, Son of Late Bindeshwar Prasad Singh, resident



of Village- Bahelia Bigha Tekari, P.S.- Tekari, District- Gaya, Retired as Reader in the subject of Geography from S.N. Sinha College, Tekari, District- Gaya.

11. Yogendra Singh, son of Late Dudheshwar Singh, resident of Village-Rikalganj, P.O.+P.S.- Tekari, District- Gaya. retired as Village-Rikalganj, P.O.+P.S.- Tekari, District- Gaya, Retired as Lecturer from subject of Botany S.N. Sinha College, Tekari, Gaya.
12. Birendra Kumar Singh, son of Late Ramanand Singh, husband of Late Poonam Kumari, resident of House No. 506/384 Kabristan Road, New Laljee Tola Patna, P.S.- Gandhi Maidan, District- Patna.

.... Petitioners

Versus

1. The State of Bihar
2. Sri R.K. Mahajan, the Principal Secretary, Higher Education, Government of Bihar, New Secretariat, Patna.
3. Md. Isteaque, presently posted as Vice-Chancellor, Magadh University, Bodh Gaya.
4. Sri Shushil Kumar Singh, presently posted as Registrar, Magadh University, Bodh Gaya.
5. Sri D.K. Sinha, presently posted as Finance Officer, Magadh University, Bodh Gaya.

.... Respondents

WITH

Miscellaneous Jurisdiction Case No.2810 of 2015

IN

Civil Writ Jurisdiction Case No. 15346 of 2012

- =====
1. Prof. Tal Keshwar Singh Son of Late Ram Dahin Singh Resident of Ashok Nagar Gaya, P.S.-Rampur, District-Gaya, Retired as University Professor in the subject of Hindi from post Graduate Department Magadh University, Bodh Gaya.
 2. Ram Pravesh Singh Son of Late Sagar Singh, Resident of Janakpur, P.S.-Mufassil, District-Gaya, retired as Reader in the subject of Geograph from Post graduate Department, Magadh University Bodh Gaya.
 3. Prof. Sar Nath Singh Son of Late Mahabal Singh Resident of MIG-24 Housing Board Colony Chankayapuri, Gaya, retired as University Professor in the subject of Physics from Post Graduate Department Magadh University, Bodh Gaya.
 4. Prof. S.A. Afsa, Son of Late Abuzafar Resident of Road No.-1 white house Compound, Gaya P.S. Rampur, District-Gaya, Retired as University Professor in the subject of Urdu from post Graduate Department Magadh University, Body Gaya.
 5. Prof. Md. Mahfuzul Hasan Son of Late Md. Musa, Resident of Shams Manzil Sir Syed Colony New Karimganj Gaya retired as Head of Post Graduate Department of Urdu, Magadh University, Gaya.
 6. Prof. Ganesh Das Singhal Son of Late Radha Mohan Das Resident of Mohan Nagar, P.S.-Rampur, District-Gaya. Retired as Univ, Professor Geography Post Graduate Department, Magadh University Bodh Gaya.
 7. Prof. Md. Aquique Son of Late Md. Siddique Resident of Mohala-Aliganj, Road No.-12 Katari Hill Road, P.S.-Chandauti, District-Gaya,



Retired as University Professor in the subject of Ancient Indian & Asian Studies from Post Graduate Department Magadh University, Bodh Gaya.

8. Prof. Umesh Chandra Mishra Son of Late Pt. S.K. Mishra, Resident of Shanti Nagar Road No.-2, Jail Road, Gaya, P.S.-Rampur Gaya Sadar, District-Gaya, retired as professor in the subject of Hindi, Post Graduate Department, Magadh University, Bodh Gaya.
9. Prof. Sudama Singh Son of Late Brijnand Singh Resident of Shanti Nagar, District-Gaya, retired as Univ. Professor in the subject of Economics, P.G. Department, Magadh University, Bodh Gaya.
10. Prof. Owaisul Haque sonof S. ABDul Haque, Residentof A-16 Enayat Colony, Bari Road, P.S.-Civil Line Gaya, retired as Univ. Professor in the subject of Botany from A.N. College, Gaya.
11. Prof. Upendra Prasad Singh Son of Late Mahavir Prasad Singh Resident of 226 A.P. Colony, P.S.-Rampur, District-Gaya, retired as Univ. Professor in the subject of Economics, Gaya College, Gaya.
12. Prof. Akhaury Kishnadeo Narayan Son of Late Ram Narayan Akhaury, Resident of Narayan Villa, P.O.-Biniyadganj, P.S.-Muffasil, District-Gaya,- retired as Univ. Professor in the subject of Botany, S.N.S. College, Tikari, District-Gaya, Magadh University, Bodh Gaya.
13. Shanti Singh D/o of Late Kapildeo Singh Resident of MIG-24 Housing Board Colony Chankayapuri, Gaya-8230001, retired as Principal Gautam Budha Mahila College, Gaya.
14. Dr. Md. Mazhar Hussain S/o late Ahmad Hussain Resident of Husain Cottage, Gaiwal Bigha, Gaya, P.S.-Rampur, District-Gaya, retired as Principal S.N. Sinha College Jehanabad.
15. Gupteshwar Sharma S/o Jay Krishn Sharma Resident of Professor Colony Jehanabad, retired as Reader from S.S. College, Jehanabad, Magadh University, Bodh Gaya.

.... Petitioners

Versus

1. The State of Bihar
2. Sri R.K. Mahajan, The Principal Secretary, Higher Education, Govt. of Bihar, New Secretariat, Patna.
3. Md. Isteaque, Presently posted as Vice-Chancellor, Magadh University, Bodh Gaya. Sri Shushil Kumar Singh, Presently posted as Registrar, Magadh University, Bodh Gaya.
4. Sri Shushil Kumar Singh, Presently posted as Registrar, Magadh University, Bodh Gaya.
5. D.K. Sinha, presently posted as Finance Officer, Magadh University, Bodh Gaya.

.... Respondent/s

WITH

Miscellaneous Jurisdiction Case No.2917 of 2015

IN

Civil Writ Jurisdiction Case No. 15346 of 2012

- =====
1. Prof. Arun Kumar Sinha son of Late Nandeshwari Prasad resident of Flat No. 103, Aayushi Apartment Near Jhunjhun Mahal, Yarpur, Patna, retired as University Professor in the subject in Ancient Indian & Asian Studies from Nalanda College, Biharsharif, Nalanda.



2. Prof. Kedar Nath Kumar son of Late Basudeo Kumar resident of Professor's Colony, Dharmeshwar Ghat, Biharsharif, District - Nalanda, retired as University Professor in the subject of Political Science, P.G. Department Magadh University, Bodh Gaya.
3. Prof. Niranjana Kumar Sinha son of Late Nagendra Pd. Verma resident of Garhpar, Near Nalanda College Biharsharif, District - Nalanda, retired as University professor in the subject of Physics, Nalanda College, Biharsharif, Nalanda.
4. Prof. Dineshwar Prasad son of late Dr. Janaki Prasad resident of Sohsarai Kathal Tola, P.S. - Sohsarai, District - Nalanda, retired as Reader in the subject of Chemistry, Kisan College, Sohsarai, Biharsharif, Nalanda.
5. Bishwa Nath Singh son of Late Yugal Singh resident of C/o Dr. Kuldeep Singh, Bhagwat Nagar, P.S. - Agamkuan, District - Patna, retired as Reader in the Subject of Botany Anugrah, Narayan Singh College, Barh.

.... Petitioners

Versus

1. The State of Bihar.
2. Sri R.K. Mahajan, the Principal Secretary, Higher Education, Govt. of Bihar, New Secretariat, Patna.
3. Md. Isteaque, Presently posted as Vice-Chancellor, Magadh University, Bodh Gaya.
4. Sri Shushil Kumar Singh, Presently posted as Registrar, Magadh University, Bodh Gaya.
5. Sri D.K. Sinha, Presently posted as Finance Officer, Magadh University, Bodh Gaya.

.... Respondents

WITH

Miscellaneous Jurisdiction Case No.2918 of 2015

IN

Civil Writ Jurisdiction Case No. 15346 of 2012

- =====
1. Prof. Hari Narayan Prasad Sinha Risikesh son of Late Bulak Prasad resident of Professor Colony Dhaneshwar Ghat Biharsharif, P.S. - Biharsharif, District - Nalanda, retired as University Professor in the subject in Economics from Kishan College, Sohsarai Biharsharif, Nalanda.
 2. Prof. Barhu Pandit son of Late Shiwalak Pandit resident of Patel Nagar, Sohsarai, P.S. Sohsarai, District - Nalanda, retired as University Professor in the subject of Geography Kishan College, Biharsharif, Nalanda.
 3. Prof. Paras Nath Sharma son of Late Sundar Singh resident of Tikulipar, P.S. Biharsharif, District - Nalanda, retired as Univ. Professor in the subject of Economics Nalanda College, Biharsharif, Nalanda.
 4. Muneshwar Prasad son of Late Nilkanth Mahto resident of Patel Nagar, Sohsarai, P.S. Sohsarai, District - Nalanda retired as reader in the subject of Psychology from Kishan College, Sohsarai, Nalanda.
 5. Binoy Kumar Sinha son of Late Rajeshwar Prasad Sinha resident of Hadipura, P.S. - Sohsarai, District - Nalanda, retired as reader in the subject of Botany Kishan College, Biharsharif, Nalanda.



6. Jagdish Prasad son of Late Shiv Ratan Prasad Haidpura, P.S. - Sohsarai, District - Nalanda, retired as reader in the subject of Chemistry from Kishan College, Sohsarai, Bihar Sharif, Nalanda.
7. Rameshwar Mehta son of Late Ram Nihora Mehta resident of Mogalkuan, P.S. - Bihar Sharif, District - Nalanda, retired as reader in the subject of Pali, Nalanda College, Bihar Sharif, Nalanda.
8. Prabhat Kumar Sinha son of late Baleshwar Prasad Sinha resident of Professor Colony Dhaneshwar Ghat, Bihar Sharif P.S. Bihar Sharif, District - Nalanda, retired as Demonstrator in the subject of Physics from Nalanda College, Bihar Sharif, Nalanda.

.... Petitioners

Versus

1. The State of Bihar.
2. Sri. R.K. Mahajan, the Principal Secretary, Higher Education, Govt. of Bihar, New Secretariat, Patna.
3. Md. Isteaque, Presently posted as Vice-Chancellor, Magadh University, Bodh Gaya.
4. Sri Shushil Kumar Singh, Presently posted as Registrar, Magadh University, Bodh Gaya.
5. Sri D.K. Sinha, Presently posted as Finance Officer, Magadh University, Bodh Gaya.

.... Respondents

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

ORAL ORDER

03 18-01-2017 These cases relate to Magadh University. The Writ Court had issued directions for payment of arrears forthwith. Payments having not been made, these contempt proceedings were initiated. One of the main grievance of the petitioners were that as per the notification issued by the State Government itself with regard to revision of pay-scale, certain arrears were to be paid but their payments were deferred. The deferred payments were to be cleared by 31st of March, 2015, as per the government notification, which fact was noted in the judgment of this Court as well. Not only these payments were not made within the notified date, upon institution of these proceedings, they were not made.



Upon notice by this Court, ultimately, recently, these payments have been made. Therefore, this Court has no option but to hold that the respondent University has been in contempt in not paying the amount, as ordered, within the time stipulated. There has been delayed compliance.

In view of the aforesaid fact of admitted delayed compliance, it is directed that all the petitioners would be entitled to delayed payment interest at the rate of 6% per annum from the date payment was due till the date payment is made. This calculation and payment of delayed payment, interest has to be paid by the University within one month from today, failing which the Vice-Chancellor/Registrar/Finance Officer of the University would be personally liable.

With these observations and directions, these applications stand disposed of.

(Navaniti Prasad Singh, J.)

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