

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1021 of 2010

Principal Kailash Prasad Singh, Ex Principal S/o Late Nageshwar Prasad Singh, Presently Resident of 7 Sahyogpuri, House of Sri S.N. Singh, Ex ADM, East of Kendriya Vidyalaya Chitraguptanagar, Kankarbagh, P.S - Patrakarnagar, in the town and district of Patna.

.... Petitioner/s

Versus

1. Dr. Rajdeo Singh, Vice Chancellor, B.R. Ambedkar Bihar University ,Muzaffarpur.
2. Dr. Bivash Yadav, Registrar, B.R. Ambedkar Bihar University ,Muzaffarpur.
3. B.R. Ambedkar Bihar University ,Muzaffarpur. through the Registrar of The University.
4. Sri Anjani Kumar Singh, Secretary, Human Resource Development, Govt. of Bihar, Patna.
5. The State of Bihar, Patna.

..... Respondent/s

Appearance :

For the Petitioner/s :
For the Respondent/s : Mr. SC-16
Mr. A.B.Sinha

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 07-12-2015 No one appears on behalf of the petitioner. The
counsel for the University is present.

Counsel for the University has produced the order
passed in Civil Appeal No. 200 of 2011 by which the Supreme
Court has given the following direction, is as follows:-

“It is, however, material to note that, as far as
this proviso is concerned, it has been substituted by
Act No. 16 of 2008. As far as present resolution of
the State Government is concerned, it is dated 11th

April, 2005, which is much prior to the coming into force of this proviso to Statute 36(6). That apart, as we have seen, under the Statute 16 (which has been in force from 1982), it is specifically provided that any change in the rate of pension of relief therein into the service conditions of the State Government employees would be extended to the University. Therefore, in our view, the Division Bench cannot be faulted or taking the view that the reading of Statute read with the resolution passed by the State Government, University employees will be entitled to include **50% of the D.A. into their basic pay for the purpose of calculating their pension.”**

In such view of the matter, this Court trusts and hopes that the employees of the University would be paid the benefit in terms of paragraph 10 of the order passed by Hon’ble Supreme Court.

Accordingly, this petition is disposed of.

(Shivaji Pandey, J)

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