

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.346 of 2014

In
C.W.J.C No. 18355 of 2013

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1. Dr. Upendra Prasad Singh S/O Late Deo Narayan Mahto Resident Of B/3 Waishnav Villa Apartmant Jagdeo Path More, Bailey Road, P.S. Hawai Adda, District Patna.
 2. Dr. Sudhir Kumar Mishra S/O Sri Radha Kant Mishra Resident Of House Of Dr. J.P. Singh, Near Sanjivani Hospital, South Chitragupt Nagar, Kankarbagh, P.S. Patrakar Nagar, District Patna.
 3. Dr. Indrajit Prasad Roy S/O Late Yugal Roy Resident Of Teacher'S Hostel, Rajendra College Campus, Chapra, P.S. Bhagwan Bazar, District Chapra.

.... Petitioner/s

Versus

1. The State Of Bihar .
2. Sri Ashok Kumar Sinha, Atate Of Bihar Through Chief Secretary, Government Of Bihar, Patna.
3. Sri Amarjeet Kumar Sinha, Principal Secretary, Higher Education, Government Of Bihar, New Secretariat, Patna.
4. Dr. Nandjee Kumar, Vice Chancellor Magadh University, Bodh Gaya.
5. Dr. D.K. Yadav, Registrar, Magadh University, Bodh Gaya.
6. Sri Devesh Kr. Sinha, Finane Officer, Mag. University, Bodh Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rabi Bhushan Prasad No. 1, Adv
For the State : Mr. Mritunjay Kumar AC to GP-8
For the University : Mr. Vipin Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

2 05-05-2015 Heard learned counsel for the parties.

Having regard to the nature of order passed by this Court dated 22.11.2013 in C.W.J.C No. 18355 of 2013, wherein, a direction was given for payment of salary to the petitioners and the stand taken by the Opposite Parties in their show cause is that such payment of salary is being made, this Court would hardly find any reason to initiate proceeding of contempt specially when it has also been

made aware of the ongoing vigilance inquiry on account of appointment of the petitioners on the post of Principals.

As a matter of fact, when the University itself has been making payment of salary to the petitioners on the basis of their last pay drawn and the LPC produced by them, that also cannot be said to be in violation of the order of this Court because this Court had never directed that the petitioners' salary must be paid in the pay scale of the Principal.

Be that as it may, having regard to the stand taken by the Opposite Parties in the show cause reply, this Court is not inclined to initiate proceeding of contempt and this application is, accordingly, disposed of.

It is, accordingly, disposed of.

Nothing said in this order however will prejudice the petitioners in claiming salary of post of Principal once the dispute relating to the alleged illegal appointment of the petitioners on the post of Principals comes to an end.

(Mihir Kumar Jha, J)

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