

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1434 of 2014

In

Civil Writ Jurisdiction Case No. 19793 of 2012

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Sushila Singh wife of Dr. Kashi Nath Singh, Lecturer (Hindi) Gram Bharti College, P.S. Ramgarh, District - Kaimur at Bhabhua.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary-Cum-Commissioner, Amarjeet Sinha, Human Resources Department (Higher Education), Government of Bihar, New Secretariat, Patna.
2. The Director, Ram Bujhaban Chaudhary, Higher Education, Government of Bihar, Patna.
3. Veer Kunwar Singh University through its Registrar, Manoj Kumar, Ara.
4. The Vice-Chancellor, Azhar Ahmed, Veer Kunwar Singh University, Bhojpur at Ara
5. The Finance officer, Arun Kumar Sinha, Veer Kunwar Singh University, Bhojpur at Ara
6. The Principal, Navin Kumar, Gram Bharati Mahavidyalay, Ramgarh, Kaimur at Bhabhua.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Advocate.
For the State : Mr. Kamlesh Kr. Sharma, AC to SC 22
For the University : Mr. Sarvadeo Singh, Advocate.
Mr. Viveka Nand Pathak, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

4 14-09-2015

Heard learned counsel for the parties.

2. Pursuant to the earlier order of this Court dated 04.09.2015, Mr. Manoj Kumar, the Registrar of the Veer Kunwar Singh University (hereinafter referred to as 'the University'), has appeared in person and by filing a show cause reply, he has also explained that the arrear of the petitioner quantified at Rs. 6,60,947/- has been sought to be paid to the petitioner on 12.09.2015.

3. Learned counsel for the petitioner does not dispute this fact but then he comes out to say that the arrears were not only up to the year 2006 but up to the year 2012, which was also explained in the representation of the petitioner but the University and its officials have not addressed this to the claim of arrears of the period after 2006.

4. This Court, however, would not find the aforementioned grievance of the petitioner to be within the fold of this contempt application. The arrears of taken over employees, both teaching and non-teaching of the 4th phase colleges made constituent under the Government decision dated 19.08.1986, will primarily mean the period in which the Government had not decided their fate of absorption. A judicial notice can be taken of the fact that it was only after the judgment of the Apex Court that the matter of absorption, in view of the recommendation of the Justice S.C.Agrawal Committee, became final in the year 2006 and therefore, the arrears of such taken over employees will primarily mean from the date of their absorption to 2006.

5. Admittedly, said amount of arrears upto 2006 has been paid to the petitioner. After 2006, when the services of the petitioner were absorbed and if there was any short payment on account of wrong pay fixation or the giving effect to the order of

absorption, that may still be a cause of action for the petitioner but then that was neither the scope of the writ application nor was made part of the order whose violation has been complained in this contempt application.

6. In that view of the matter, this Court now must close the matter by dropping the contempt proceeding recording that the order of this Court in the connection writ application has been complied and, therefore, there will be no need now to continue with the contempt proceeding.

7. Before parting with, it is made clear that nothing said in this order will come in the way of the petitioner in making claim of any other arrears to which she is entitled in view of her order of absorption passed by the University, for the period 2006 onwards.

8. With the aforementioned observation, this contempt application is disposed of.

9. The personal appearance of Mr. Manoj Kumar, the Registrar of the Veer Kunwar Singh University, is also dispensed with.

(Mihir Kumar Jha, J)

Sujit/-

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