

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2251 of 2015

In

Civil Writ Jurisdiction Case No. 17635 of 2010

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1. Nirmala Devi Wife of Late Dr. Hem Chandra Kumar At. & P.O. -
Tuniyahi Via Madhepura, District – Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dr. Vinod Kumar, Vice Chancellor, B.N. Mandal University, Lalu Nagar,
Madhepura
3. Kumaresh Prasad Singh, Registrar, B.N. Mandal University, Lalu Nagar,
Madhepura
4. R.K. Mahajan, Principal Secretary, Department of Human Resources,
Government of Bihar, Patna.

.... Respondent/s

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with

Miscellaneous Jurisdiction Case No.1724 of 2015

IN

Civil Writ Jurisdiction Case No. 17635 of 2010

- =====
1. (Dr) Surya Narayan Yadav, Son of Late Babujee Yadav, Resident of
Village- Gorpar, P.O.- Uda Kishunganj, P.S.- Behariganj, District-
Madhepura.
 2. (Dr) Md. Quazi Moizur Rahman, Son of Late Quazi Abdul Kasim, Ward
No.10, Masjid Chawk, P.O.- & District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dr. Vinod Kumar, Vice Chancellor, B.N. Mandal University, Lalu Nagar,
Madhepura.
3. Kumaresh Prasad Singh, Registrar, B. N. Mandal University, Lalu Nagar,
Madhepura.
4. R.K. Mahajan, Principal Secretary, Department of Human Resources,
Government of Bihar, Patna.

.... Respondent/s

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Appearance :

(In MJC No.2251 of 2015)

For the Petitioner/s : Mr. Binodanand Mishra

For the Respondent/s : Mr. Kundan Bhadur Singh

(In MJC No.1724 of 2015)

For the Petitioner/s : Mr. Binodanand Mishra

For the Respondent/s : Mr. Rakesh Kumar Singh, A.C. to G.P.3
Mr. Shashi Bhushan Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 17-02-2016 Heard Mr. Vinodanand Mishra who has appeared in support of the two applications and Mr. Shashi Bhushan Singh, Counsel for the B.N. Mandal University (for short 'the University') and its functionaries.

The writ applications raising identical issues were disposed of by a common order dated 16.1.2015 (Annexure-1), the operative part/portion whereof reads as under:-

“Having regard to the aforesaid facts reflecting from the records and after considering the submissions of the parties as noted above, this Court is satisfied that the petitioner is entitled to the relief(s) as prayed for in this writ application. Accordingly, the order contained in Annexure-9 as well as Annexure-C to the counter affidavit are quashed and set aside. The respondents are directed to pass a fresh order granting the petitioners the benefit of time bound promotion from the date(s) when the College in- question was first granted the affiliation i.e. from sessions 1979-1980. In other words, the husband of the petitioner would be entitled to time bound promotion w.e.f. 1.6.1989 and not from 11.10.1990 i.e. the date on which the State Government sanctioned/created the post.”

A show cause has been filed on behalf of O.P. Nos. 2 and 3.

Counsel for the University has taken the Court through the statements/averments made in paragraphs 4, 5 and 6 thereof. By an order dated 30th October, 2015, the University has shifted the date of grant of time bound promotion to the petitioners from 11.10.1990 to 01.06.1989. This is in the light of the order of this Court. In paragraph 6, it has been stated that consequent to the

aforesaid order (Annexure-A), the petitioners are entitled for payment of consequential benefits which shall be paid after getting fund against the requisition for the said purpose. It is stated that requisition shall be sent forth with enabling the petitioners to draw the actual benefit of the order.

On going through the aforesaid statement, this Court is satisfied that the order of this Court passed in C.W.J.C. No. 17615 of 2010 and its analogous case (Annexure-1) has been substantially complied with by the opposite parties. The case does not merit further persuasion. This Court may only observe that the opposite party (University) shall take steps in right earnest towards payment of the benefits accruing to the petitioner upon the shifting of the dates of promotion vide Annexure-A.

Both the contempt applications are dismissed.

(Kishore Kumar Mandal, J)

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