

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1133 of 2013

In

Civil Writ Jurisdiction Case No. 19767 of 2011

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1. The State of Bihar through the Principal Secretary, Human Resources Development Department, (Now known as Education Department), Bihar, Patna
 2. The State of Bihar through the Principal Secretary, Human Resources Development Department, (Now known as Education Department), Bihar, Patna
 3. Director, Higher Education, Human Resources Development Department, (Now known as Education Department), Bihar, Patna
 4. Director, Higher Education, Human Resources Development Department, (Now known as Education Department), Bihar, Patna

.... Appellant/s

Versus

1. Arun Kumar Prasad Son Of Late Ram Narain Prasad Resident Of Village + Post Sarwarpur, P.S.- Kaler, District- Arwal
2. Madheshwar Singh Son Of Late Ram Balak Singh Resident Of Village Kaler, P.S.- Kaler, District Arwal
3. Sheo Nath Prasad, Son Of Late Gulab Chand Sao, Resident Of Village Prasurampur, P.O.- Kirdyachak, P.S.- Kaler, District- Arwal
4. Magadh University, Bodh Gaya through its Registrar
5. Vice Chancellor, Magadh University, Bodh Gaya
6. Registrar, Magadh University, Bodh Gaya
7. Principal, Sheodeni Sao College, Kaler, Arwal

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mritunjay Kumar, Advocate
For Respondents 1 to 3: Mr. Abhinav Srivastava, Advocate
For Respondents 4 to 6: Mr. Girijesh Kumar, Advocate
For Respondent No. 7 : Mr. Narendra Kumar, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE
And
HONOURABLE MR. JUSTICE GOPAL PRASAD**

**ORAL ORDER
(Per: HONOURABLE THE CHIEF JUSTICE)**

6 27-01-2015

This letters patent appeal is filed against the common judgment dated 21st January, 2013, passed by the learned single Judge, in CWJC No. 1851 of 2011 and batch.

The respondents, in the respective letters patent appeals, filed writ petitions feeling aggrieved by the non-payment of salaries to them. They are the non-teaching employees of different colleges under Magadh University. Their grievance was that the appellants stopped payment of salary from March, 2010 onwards. It was alleged that neither any orders of termination were issued nor any proceedings were initiated against them.

Learned single Judge allowed the writ petition directing the payment of salary. Hence these appeals.

Heard learned counsel for the appellant and the learned counsel for the respondents.

The appellants do not dispute that the respondents-herein are the employees working in various colleges under Magadh University. The only basis pleaded as justification for non-payment of salary is that

the services of the respondents were not regularized. Even if that is true, the appellant cannot avoid payment of salary. Once it is not disputed that the salary were paid up to March, 2010, the appellant cannot escape from their liability to pay the salary, as long as the employees are in service.

We do not find any merit in this Letters Patent Appeal. We, therefore, dismiss the same. However, two months' time is granted for the appellants to pay the arrears.

There shall be no order as to costs

Interlocutory applications, if any, shall also stand disposed of.

(L. Narasimha Reddy,CJ)

(Gopal Prasad, J)

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