

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8300 of 2011

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Dr.Benoy Kumar Sinha S/O Late Rajeshwar Prasad Sinha, resident of
Mohalla- Mogalkuan, P.O . Sohsarai, District Nalanda.

.... Petitioner

Versus

1. Magadh University, Bodh Gaya, P.O.-Bodh Gaya, District-Gaya through
the Vice Chancellor.
2. The Vice Chancellor, Magadh University, Bodh Gara, P.O-Bodh Gaya,
District-Gaya.
3. The Registrar, Magadh University, Bodh Gaya, P.O-Bodh Gaya, District-
Gaya.
4. The Finance Officer, Magadh University, Bodh-Gaya, P.O-Bodh Gaya,
District-Gaya.
5. The Principal, Kisan College, Sohsarai, Distarict Nalanda, a constituent
Unit of Magadh University, Bodh Gaya, Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bal Bhushan Choudhary, Adv.

For the Respondent/s : Mr. Pranav Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 11-03-2016 Heard Sri Bal Bhushan Chaudhary, learned counsel for

the petitioner and Sri Pranav Kumar, learned counsel, who has

appeared on behalf of Respondent/ Magadh University.

The petitioner, who has retired as Reader from Kishan
College, Sohsarai, Nalanda, has approached this Court, invoking
its writ jurisdiction under Article 226 of the Constitution of India,
with a prayer to direct the Respondents to pay arrears of
differential salary amount on account of 5th Pay Commission from
January, 1996 till the date of his retirement. The petitioner has also
claimed for arrears of two increment on the plea that he was

holder of Ph.D Degree. It has been claimed that arrears of differential amount as per the calculation of the petitioner was Rs.6,31,174/-.

In this case a counter affidavit has been filed on behalf of Respondent nos. 1 to 4/ Magadh University, Bodh Gaya and a specific stand has been taken that as per resolution of the Syndicate, 75 % of admissible arrear is required to be paid and in respect of remaining 25 % arrear amount, same is to be paid after verification from the Pay Verification Cell of the Government of Bihar. This decision was taken by the Syndicate in its meeting dated 09.11.2014. It has specifically been mentioned that 75 % of the arrear amount has already been paid to the petitioner through cheque no.039822 dated 16.12.2015 and in respect of 25 % of the admissible arrear amount, step will be taken after verification from the Pay Verification Cell in view of resolution dated 09.11.2014.

Regarding claim of two advance increment in view of Ph.D. Degree, same has been disputed by the University and stated that the petitioner is not entitled for the same relief. However, the Court is of the opinion that in the present writ petition, two distinct reliefs have been sought for. Accordingly, the Court may not record any finding in respect of second claim of the petitioner i.e. regarding claim of two advance increments.

In respect of first relief, since 75 % arrear amount has already been paid and it has been indicated that the remaining 25 % of admissible arrear amount shall be paid after verification of the Pay Verification Cell, the Court proposes to dispose of the writ petition with an expectation that the Respondents may take steps to clear the admissible arrear amount immediately after receipt of verification report from the Pay Verification Cell in view of resolution of the Syndicate. Regarding second relief, the Court is of the opinion that the petitioner would be entitled to approach the authority concerned.

With above observation, the writ petition stands disposed of.

(Rakesh Kumar, J)

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