

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.205 of 2014

Arising out of

Miscellaneous Jurisdiction Case No. 499 of 2010

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The State of Bihar through the Principal Secretary, Higher Education, Bihar, Patna.

.... Respondent- Appellant

Versus

1. Jawaher Prasad Singh, S/O Late Awadh Bihari Sinha R/O Mohalla Ghose Lane Samastipur, P.S.- Samastipur, District- Samastipur.
2. Sipra Bagchi, W/O B.K.Bose, Resident of Mohalla-Station Road, Near Railway Institute Samastipur, P.S.- Samastipur, District- Samastipur.
3. Dr. Binda Kumari, W/O Late Ramji Sinha, resident of Mohalla North of Tirhut Academy High School Kashipur, Samastipur, P.S.- Samastipur, District- Samastipur.
4. Dr. Binita Sinha, W/O Sri Ram Naresh Pd. Singh, resident of Mohalla-Tajpur Road, Samastipur, P.S.- Samastipur, District- Samastipur.
5. Dr. Neeta Mehta, W/O Dr. Ajay Kumar Sinha, resident of Mohalla- North West Tirhut Academy School, Kashipur, Samastipur, P.S.- Samastipur, District- Samastipur.
6. Kalyani Singh, wife of A.K.Choudhary, resident of Moh. R.N.A.R. College, Road Sonbarsa Chowk, Samastipur, P.S.- Samastipur, District- Samastipur.
7. Dr. Sharda Sinha, D/O Late Mangal Dayal Sinha, resident of Mohalla-Hanuman Niwas, Near B.Ed. College, Samastipur, P.S.- Samastipur, District- Samastipur.
8. Kiran Bala Singh, D/O Sri Thakur Banbir Singh, Village-Mukhtapur, P.O.- Muktapur, P.S.- Samastipur, District- Samastipur.
9. Esha Sinha, W/O Sri Sachida Nand Prasad Sinha, resident of Mohalla R.N.A.R. College, Samastipur P.S.- Samastipur, District- Samastipur.
10. Shiuli Bhattacharya, D/O Late Banshi Dhar Bhattacharya, resident of Moh. Ranuka Kuteer, opposite Amar Cinema, Kachiari, Muzaffarpur, P.S.- Mithanpur, Muzaffarpur District- Muzaffarpur.
11. Dr. Sheela Sinha, D/O Mr. R.P. Sinha, resident of Mohalla Tara Cottage, Ward No. 21, Bahadurpur, Samastipur, P.S.- Samastipur, District- Samastipur
12. Arun Kumar Karn, son of Late Biyas Nandan Lal, resident of Mohalla-Kashipur, Building of Ramashish Singh, P.S.- Samastipur, District- Samastipur.
13. Dr. Nirmala Thakur, W/O Sri Shyam Kishore Thakur, R/O Mohalla-Professor Colony, Gali No. 1, Samastipur, P.S.- Samastipur, District- Samastipur.
14. Dr. Sunita Sinha, D/O Late S.K. Singh, resident of Mohalla Opposite West of Patel Maidan, Kashipur, P.S.- Samastipur, District- Samastipur
15. Dr. Usha Choudhary, W/O Dr. T.N.Choudhary, resident of Village-Mouna Niwas, Srikrishnapur, Near Sonbarsa Chowk, Samastipur, P.S.- Samastipur, District- Samastipur

.... Petitioners- Respondents

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Appearance :

For the Appellant : Mr. Anjani Kumar, Sr.Advocate AAG-4
: Mr. Sanjay Prasad, AC to AAG-4

For the Private Respondents : Mr. Ranjan Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 17-08-2016

The challenge in the present appeal is to an order dated 06.03.2013 passed in MJC No.4993 of 2010 whereby the state was directed to ensure payment of interest component, which had already been quantified and intimated by the University, be arranged and paid to the petitioners with a period of 15 days.

The said order arises out of the order passed in CWJC No.1409 of 2010 on 30.06.2010 when the Court observed as under:-

“It is high time that both University and the State Government realized that teachers cannot be made to wait for their due remunerations for decades as officers of the State Government so with the teachers of the University they must be paid their remunerations within time. If due payments are not made within a period of two months aforesaid, the petitioners would be entitled to interest at the rate of 12% per annum from the time the amount was due and payable till the time payment is made. The interest so payable would be paid to the petitioners along with payment of the Principal amount and the State would be at liberty to charge the said payment of interest from the persons, who is found responsible for the delay.”

Since the amount of salary or the interest was not paid, a contempt petition was filed in which the impugned order was

passed.

Mr. Anjani Kumar, learned senior counsel appearing for the State filed an affidavit to the effect that the payment of the principal amount of salary as well as interest has been made. He further seeks liberty to proceed against the persons who were negligent in terms of the liberty granted by the learned single Bench on 30.06.2010.

In view of the said fact, no further order is called for in the present appeal. The Letters Patent Appeal is disposed of with liberty to the appellant as is granted by learned single Bench of this Court in CWJC No.1409 of 2010 (Jawahar Prasad Singh & Ors. Versus The State of Bihar & Ors.) decided on 30.06.2010.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

B.Kr./-

AFR/NAFR	NAFR
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