

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1823 of 2015

IN

Civil Writ Jurisdiction Case No. 9609 of 2015

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Dr. Vinay Kumar Kantha, son of Late R.S.P. Kantha, resident of Udayan, Shakti Nagar, Anisabad, P.S.- Phulwari, District- Patna

.... Appellant/s

Versus

1. The Patna University, Patna through its Registrar
2. Vice Chancellor, Patna University, Patna
3. Registrar, Patna University, Patna
4. Principal, B.N. College, Patna
5. Dr. Raj Kishore Prasad, son of not known to the petitioner, presently posted and working as the Principal, B.N. College, Ashok Rajpath, Patna, P.S.- Purbahore, District- Patna

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Binod Kanth, Sr. Advocate
		Mr. Abhinav Srivastava, Advocate
For the University	:	Mr. Vivekanand Pd. Singh, Advocate
For Respondent No.4	:	Mr. Satyabir Bharti, Advocate
		Mr. Ram Kumar Singh, Advocate
		Mr. Alok Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 08-08-2016

The appellant is the writ petitioner who had filed the writ petition being C.W.J.C. No. 9609 of 2015 for a direction to the Patna University to pay his salary dues without delay. During pendency of the matter, from apparently, what defence was taken by the University, and in particular the Principal of the College, the matter was that the writ petitioner was not marking his attendance as



per the directions of the Vice-Chancellor. This then became a bone of contention between the parties. It appears from the final order passed in the writ proceedings, the learned Single Judge noted that the dispute was more a matter of ego and the parties should end this and continue with their work. It appears that again the payments were delayed. The writ petitioner-appellant sought adjudication, and, therefore, filed the intra-court appeal. During pendency of the appeal, once again the issue of direction issued by the Vice-Chancellor came in the forefront but no order was passed thereon. What came to the notice of the Court, was the unusual delay in processing the bills for payment of monthly salary of the writ petitioner-appellant. Noticing the unusual delay, the Court on several occasions, also noted that it appears to be malicious act on part of the Principal. Whatever may be those facts, the fact is now with effect from 31.07.2016, the writ petitioner-appellant has superannuated. The payment of monthly salary has now become redundant though for the month of July, 2016 he is yet to be paid his salary.

The apprehension of the writ petitioner-appellant is that so far as pension is concerned, once again it would take more time than necessary. The Principal of the College is personally present in Court. He assures the Court that he has used all his resources and power in his command for expeditious clearance of the pension papers

of the writ petitioner-appellant. The matter is now with the University. Learned counsel for the University also assures that there would not be any delay in the matter.

It is expected that the University would live up to their commitment and not become a reason for any further grievance by the writ petitioner- appellant.

With the aforesaid observations and directions this appeal is disposed of.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh

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