

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12065 of 2013

1. Siya Ram Singh, son Of Late Bisheshwar Singh, Resident of Gram + Post - Maheshwar, P.S. - Gaighat, District – Muzaffarpur.

2. Ratneshwar Prasad Singh, son of Late Yogendra Prasad Singh, Resident of Village + Post - Dahila, Via - Bochaha, P.S. - Gaighat, District - Muzaffarpur

.... Petitioners

Versus

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

2. B.R. Ambedkar Bihar University , Muzaffarpur, through Its Registrar

3. Vice Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur

4. Registrar, B.R. Ambedkar Bihar University, Muzaffarpur

5. Principal, J.B.S.D. College, Bakuchi, Muzaffarpur

.... Respondents

Appearance :

For the Petitioner/s : Mr. Rajni Kant Jha, adv.

For the University : Mr. Dhruba Mukherjee, senior adv.

Ms. Praveena Kumari, adv.

Mr. Nazeer Ansari, adv.

For the State : Ms. Pushpanjali Sharma, A.C. to S.C.-20

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 08-09-2016

Heard learned counsel appearing for the respective parties.

Limited grievance has been raised by the petitioners in the present case that they are entitled to arrears of salary from March, 2012 to September, 2015 and March, 2012 to May, 2015 respectively.



In the counter affidavit, the State has accepted the sanctioned strength of J.B.S.D. College, Bakuchi. The sanctioned strength of the college has been shown upto 2011-12 as 13 staffs and accordingly the State has released the fund, but from 2012-13 the State has reduced the sanctioned strength of staffs and made it only 11 and released the fund accordingly, which affected these petitioners and they have been deprived of their salary.

It is a peculiar stand of the State that when the State has accepted the strength of the college upto 2011-12 as 13 and paid the salary for 13 staffs; it does not stand to the reason for reduction of the sanctioned strength. If the State is willing to reduce the sanctioned strength of the staff of the college, the State can do so, but after following the due process of law.

In such view of the matter, the University is directed to seek fund from the State Government, if the same has not been granted. The State is equally directed to release the fund, if the same has not been released, without any delay and pay the same to the petitioners as early as possible as the petitioners have already superannuated and they are getting the pension and other retiral benefit.

With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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