

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1145 of 2017

Narayan Sharma, aged about 52 years, Son of Late Baam Dev Sharma,
Resident of Village + P.O. - Amhara(Bihta), P.S. - Bihta, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director (Higher Education), Department of Education, Government of Bihar, Patna.
4. Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga through its Registrar.
5. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
6. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
7. The Managing Committee of Nityanand Sanskrit Mahavidyalaya, Amarut, Gaya through its Secretary.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the State	:	Mr. Madhaw Pd. Yadav-GP23
		Mr. Arvind Kumar, AC to GP-23
For the University	:	Mr. Awadhesh Pd. Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 20-12-2017 Heard learned counsel for the petitioner, State and the
counsel appearing on behalf of the University.

From the order dated 27.2.2015 passed by the Principal Secretary, Education Department, it appears that there is no dispute so far as entitlement of the petitioner is concerned. The obligation to make payment is of the University.

Counsel appearing on behalf of the University submits that necessary allotment for payment has not been received by the



University and as such the payment could not be made.

From the order dated 27.2.2015 it is manifest that the University is responsible for creating obstacle in the payment of salary, etc. In view of the aforesaid finding recorded by the Principal Secretary, Education Department, the respondent University is required to ensure payment of the petitioner, if not already paid.

In the event the University is in actual financial constrain on account of non-availability of fund the University may raise demand for allocation of fund in order to make payment of the petitioner in the light of the order passed by the Principal Secretary, Education Department dated 27.2.2015. The respondent-University or the State is liable to work out the solution in order to make payment to the petitioner.

Accordingly, the writ application is disposed of with a direction Director, Higher Education, Government of Bihar, respondent No. 3 and the Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga, respondent No. 6 to look into the grievance of the petitioner and work out the solution in order to ensure payment of arrears of the petitioner within a period of four months.

The entire exercise in this regard must be completed by the



University and the State within a period of four months from the date of receipt/production of a copy of this order.

It is made clear that the petitioner cannot be made to suffer on account of blame game.

(Anil Kumar Upadhyay, J)

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