

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4766 of 2014

In

Civil Writ Jurisdiction Case No. 19097 of 2010

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Dr. Dharam Nath Singh, son of Late Siya Sharan Singh, working as Professor, Department of Zoology, B.N. Mandal University, Madhepura, P.S. - Madhepura, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna - Mr. R.K.Mahajan.
2. The Vice Chancellor, B. N. Mandal University, Madhepura, - Dr. Binod Kumar.
3. The Registrar, B.N. Mandal University, Madhepura - Mr. Kamesh Prasad Singh.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ajay Prasad, Advocate
Mr. Murli Dhar, Advocate

For the University : Mr. Mithilesh Kumar Rai, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 14-07-2017 Heard learned counsel for the petitioner and the learned counsel appearing for the opposite party-B.N. Mandal University.

The present contempt application has been filed for compliance of the order dated 17.07.2012 passed in CWJC No.19097 of 2010.

Learned counsel for the University submits that compliance of the order has been made, as has been submitted in the show cause filed by Opposite Parties Nos.2 and 3 inasmuch as the representation for payment of salary of the



petitioner has been disposed of, but for the period January, 2002 to August, 2004, the salary for a period of 715 days has been slashed and paid to the petitioner.

Learned counsel for the petitioner, however, disputes the said stand of the learned counsel for the University and submits that such arbitrary non-payment of salary for a period of 715 days is without any rationale and cannot be justified by any stretch of imagination. However, he agrees that the rest amount has been paid to the petitioner.

It appears that vide Annexure A to the show cause filed by the University dated 22.09.2014, certain amounts have been released in favour of several petitioners whereas in the case of the present petitioner, Dr. Dharam Nath Singh, it has been stated that he has been unauthorisedly absent from duty for 715 days as the said period of leave has not been regularized either against the leave at credit/or leave without pay or otherwise as per the statutory provisions. Hence, such period has been kept pending for the present.

In view of the aforementioned statements made in the letter dated 22.07.2014, since there has been substantial compliance of the order passed by this Court, let the petitioner approach the authorities for regularization of the aforesaid



period of absence, which shall be processed in accordance with law, preferably within a period of three months from the date he so approaches the appropriate authority, being the Registrar of the B.N. Mandal University.

It is made clear that so far as the other part of the order is concerned, the same has been complied with. Hence, this contempt application need not proceed further.

Accordingly, the contempt application stands disposed of, with liberty as aforementioned.

(Anjana Mishra, J)

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