

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.219 of 2016

In

Civil Writ Jurisdiction Case No. 18552 of 2009

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Brahma Narayan Das Son of Late Ram Narayan Das Resident of Mohalla -
Jai Prakash Nagar, Purnea College Road, Purnea, P.O. and P.S. Purnea,
District - Purnea, the retired Reader, Department of Chemistry, Purnea
College, Purnea

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna
2. Sri R.K. Mahajan Son of not Known to the Petitioner, Presently Posted as
the Principal Secretary, Education Department, Government of Bihar, Patna
null
3. Sri Sita Ram Singh Son of not Known to the Petitioner, Presently Posted
as the Director, Higher Education, Education Department, Government of
Bihar, Patna
4. Sri Binod Kumar Singh Son of not Known to the Petitioner, Presently
Posted as the Vice Chancellor, B.N. Mandal University, Laloo Nagar,
Madhepura
5. Sri Kumaresh Prasad Singh Son of not Known to the Petitioner, Presently
Posted as the Registrar, B.N. Mandal University, Laloo Nagar, Madhepura
6. Sri K.N. Jha Son of not Known to the Petitioner, Presently Posted as the
Finance Officer, B.N. Mandal University, Laloo Nagar, Madhepura
7. Sri Sanjiv Kumar Son of not Known to the Petitioner, Presently Posted
as the Principal, Purnea College, Purnea

.... Respondents

With

Miscellaneous Jurisdiction Case No.220 of 2016

IN

Civil Writ Jurisdiction Case No. 18552 of 2009

=====

1. Bishwanath Thakur Son of Late Mahanand Thakur Resident of village
and P.O. Shivipatti, P.S. Madhubani, District - Madhubani, the retired Head
of Department of Sanskrit, Purnea College, Purnea

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna
2. Sri R.K. Mahajan Son of not Known to the Petitioner, Presently Posted as
the Principal Secretary, Education Department, Government of Bihar, Patna
3. Sri Sita Ram Singh Son of not Known to the Petitioner, Presently Posted
as the Director, Higher Education, Education Department, Government of
Bihar, Patna
4. Sri Binod Kumar Singh Son of not Known to the Petitioner, Presently
Posted as the Vice Chancellor, B.N. Mandal University, Laloo Nagar,
Madhepura
5. Sri Kumaresh Prasad Singh Son of not Known to the Petitioner, Presently



Posted as the Registrar, B.N. Mandal University, Laloo Nagar, Madhepura
6. Sri K.N. Jha Son of not Known to the Petitioner, Presently Posted as the Finance Officer, B.N. Mandal University, Laloo Nagar, Madhepura null
7. Sri Sanjiv Kumar Son of not Known to the Petitioner, Presently Posted as the Principal, Purnea College, Purnea

.... Respondents

With
Miscellaneous Jurisdiction Case No.690 of 2016
IN
Civil Writ Jurisdiction Case No. 18552 of 2009

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1. Dr. Ram Kumar Jha The state of Bihar through the Anjanikumar singh Chief Secretary, Government of Bihar Patna. r
2. sri G.S.Gangwar, son of not known to the petition, Presently posted as the Principla Secretary, Education Department, Government of Bihar Patna.
3. sri Sita Ram singh son of not Known to the petitioner, Presently posted as the Director, Higher Education Department, Government of Bihar ,Patna.
4. sri Binod kumar singh son of not known to the petitioner, Presently posted as the Vice Chancelllor, B.N.Manday University Laloo Nagar, Madhepura.
5. sri Kumaresh Prasas singh son of not known to the petitioner, Presently posted as the Ragistrar, B,N Mandal University, Laloo Nagar, Madhep;ure.
6. sri K.N.Jha son of not knowbn to the petitioner, Presently posteed as the Finance Officer. B.N Manadal Univedrsity, Laloo Nagar, Madhepure.

.... Petitioners

Versus

The State of Bihar Through Mr. Anjani Kumar Singh The Chief Secretary Govt. of Bihar & Ors

.... Respondents

With
Miscellaneous Jurisdiction Case No.2820 of 2015
IN
Civil Writ Jurisdiction Case No. 18552 of 2009

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1. Maheshwar Prasad Jaiswal son of Late Jadav Prasad Jaiswal Resident of Amola Tola Katihar, Retired as Reader in the subject of Mathematics D.S. College, Katihar, a Constituent unit of B.N. Mandal University, Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri R.K. Mahajan the Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
3. Sri Binod Kumar Singh, Presently posted as Vice-Chancellor, B.N. Mandal University, Laloo Nagar Madhepura.
4. Sri Kumaresh Prasad Singh, Presently posted as Registrar, B.N. Mandal University, Laloo Nagar, Madhepura.
5. Sri K.N. Jha, Presently posted as Finance Officer, B.N. Mandl University, Laloo Nagar, Madhepura.
6. Sri Pawan Kumar Jha, presently posted as Principal, D.S. College



Katihar, B.N. Mandal University, Madhepura.

.... Respondents

Appearance :

(In MJC No.219 of 2016)

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the State : Mr. Birju Prasad, GP-13
Mr. Ashok Kumar, AC to GP-13

(In MJC No.220 of 2016)

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
for the State : Mr. Birju Prasad, GP-13
Mr. Amresh, AC to GP-13

(In MJC No.690 of 2016)

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the State : Mr. Birju Prasad, GP-13
Mr. Ravi Kumar, AC to GP-13

(In MJC No.2820 of 2015)

For the Petitioner/s : Mr. Virendra Prasad, Advocate
For the State : Mr. Birju Prasad, GP-13

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

3. 17-02-2017

There is no dispute in all these four cases as to the liability of the University to pay the petitioners as per judgment of this Court in relation to the Readers initially at the pay of Rs. 14,940/-.

Learned counsel for the B.N. Mandal University states that the amount to be paid being substantial. They have requisitioned the State Government and the State Government is not raising adequate money. To the contrary, there is a counter affidavit by the State stating that State has been providing funds regularly and it is for the University to make payments.



Having considered the matter, in my view, because of the differences and dispute as between the University and the State, the petitioners, who have nothing to do with the said dispute, are suffering. The order of the writ court has not been complied. Payments which were due to the petitioners, almost a decade back, is yet to be made. This reflects adverse about the conduct of the University and the State both. The University does not generate finance nor is a self-supporting institution, the University is to be funded by the State. Thus, if there is any liability to be discharged by the University, the burden has to be borne by the State. Therefore, the petitioners cannot be deprived of their legitimate payments merely because the State Government and the University decided to fight each other. The Court, therefore, says that payment to the petitioners cannot wait resolution of the dispute between University and the State.

I would, accordingly, direct the University to make payment to the petitioners of their entire dues within two months from today from whatever funds under whatever head is available to them. I am clarifying



that any diversion of payment of the dues of petitioners would not be taken adversely by any person.

If the University fails to pay the said amount within two months from today, the Vice-Chancellor, Registrar and the Finance Advisor would each be equally liable to be proceeded in contempt.

Learned counsel for the University, however, states that they have requisitioned for extra fund for its unaccounted liability. It is for the State to consider the same and pay because in absence of payment, University would be in difficulty.

With this observation and direction, this application stands disposed of.

(Navaniti Prasad Singh, J.)

Rajeev/-

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