

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18849 of 2017

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Kiran Bala Sinha, W/o Sri Chandra Mohan Prasad, Resident of Bari Bazar,
P.S.- Kotwali, P.O.- Head Office, District- Munger.

.... Petitioner/s

Versus

1. The T. M. Bhagalpur University, Bhagalpur through its Registrar.
2. The Vice Chancellor, T.M. Bhagalpur University, Bhagalpur.
3. The Registrar, T.M. Bhagalpur University, Bhagalpur.
4. The Finance Officer, T.M. Bhagalpur University, Bhagalpur.
5. The Principal, B.R.M. College, Munger.
6. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
7. The Director, Higher Education, Education Deptt., Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Jha, Advocate
Mr. Avanindra Kumar Jha, Advocate
For the Respondent/s : Mr. Arvind Kumar AC to GP- 23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 22-12-2017 Heard learned counsel for the petitioner and the respondents.

The grievance of the petitioner is non-payment of salary since March, 2012 and denial of admissible ACP/MACP.

The respondent University has not taken final decision so far as the entitlement of ACP/MACP.

Mr. Purushottam Kumar Jha, counsel for the petitioner submits that the petitioner is regularly working and without any rhyme and reason, she has not been paid his salary.

If the petitioner discharged the responsibility, the



respondents are under obligation to ensure payment of salary, otherwise taking work and denying the payment would amount to beggary, which is prohibited under Article 23 of the Constitution of India.

In the peculiar facts and circumstance of this case, the writ application is disposed of with a direction to respondent no.3, the Registrar, T. M. Bhagalpur University, who shall look into the grievance of the petitioner and ensure final decision in the matter of grant of ACP/MACP and payment of arrears as well as current salary. Such exercise must be completed expeditiously preferably within a period of three months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stand disposed of.

(Anil Kumar Upadhyay, J)

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