

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.3260 of 2017**

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Ashwini Kumar, son of Late Birendra Kumar Singh, residen of Walipur Road near Masjid, Town- Jamalpur, P.O.- Jamalpur, P.S.- Jamalpur, District- Munger.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Higher Education, Government of Bihar, Patna.
2. The Director, Higher Education, Government of Bihar, Patna.
3. Tilka Manjhi Bhagalpur University, Bhagalpur through the Registrar.
4. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
5. The Principal, Jamalpur College, Jamalpur, District- Munger.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ratna Deep Prasad, Advocate

For the State : Mr. Jitendra Kr. Roy, SC 13

For the University : Mr. Shailendra Kumar Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**

**ORAL JUDGMENT**

**Date: 11-08-2017**

Heard learned counsel for the petitioner, State and Tilka  
Manjhi Bhagalpur University.

2. The petitioner has moved the Court seeking a  
direction for payment of his salary which is due since 01.03.2016.

3. Learned counsel for the University submitted that the  
same shall be paid on receipt of funds.

4. Though learned counsel for the University submitted  
that he has filed counter affidavit, the same is not on record. It was  
submitted that in the counter affidavit the stand is that the petitioner



and six other persons are the only ones left to whom salary has not been paid due to paucity of funds.

5. Having considered the aforesaid, in the opinion of the Court, the salary of the petitioner, till time he is working, cannot be withheld due to paucity of funds and that too when other similarly situated persons have been paid.

6. In view of the aforesaid, a direction is issued to the respondents no. 4 and 5 to ensure that payment of arrears salary to the petitioner is made within two weeks from the date of service of a copy of this order on them. It is only clarified that the petitioner shall be entitled to such payment of salary as has been given to other similarly situated persons in a uniform basis without any pick and choose. This would not mean that the petitioner's case will be treated similar to six others who have not been paid and rather in general terms, if others have been paid, the petitioner shall also be paid.

7. Learned counsel for the petitioner drew the attention of the Court to order dated 24.07.2017 passed in C.W.J.C. No. 9711 of 2016 which was disposed off on the ground that in the counter affidavit filed by the same University, the salary for the period had already been paid to the petitioner under cheque dated 19.07.2017 and it was indicated that the same would be paid within one week from the date of receipt of a copy of the order upon the concerned respondents,



if already not done. He pointed out that the same has still not been paid.

8. In view of the aforesaid, the Court would only indicate that if in the present case also the direction of the Court is not complied with, severe consequences shall follow.

9. The writ petition stands disposed off in the aforementioned terms.

**(Ahsanuddin Amanullah, J)**

Anjani/-

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