

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6381 of 2018

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Keshaw Rai @ Kesho Rai, Son of Ram Bilas Rai, Resident of Village-Bharakhar,
Post Office- Mohania, P.S. Mohania, District- Kaimur at Bhabua. Presently
Residing at Gali No. 11E, Gaurkhani, Sasaram, Police Station-Sasaram, District-
Rohtas at Sasaram

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resource Department
(Higher Education Department) Bihar, Patna.
2. The Director, Higher Education Department, Bihar, Patna.
3. The Vice Chancellor, Veer Kunwar Singh University, Ara.
4. The Registrar, Veer Kunwar Singh University, Ara.
5. The Finance Officer, Veer Kunwar Singh University, Ara.
6. The Principal, Shersha College, Sasaram, District-Rohtas at Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Garg, Advocate

For the Respondent/s : Mr. M Mishra, AC to SC-16

For the University : Mr. Rajesh Pd. Choudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 12-04-2018

Heard learned counsel for the petitioner, State and
counsel for the University.

2. The grievance of the petitioner is non-payment of salary, although there is admission on the part of the respondents that the petitioner, who was absorbed in terms of the direction of the Apex Court pursuant to the report of Justice S.C. Agrawal (retired) Commission.

3. Learned counsel for the petitioner submits that similarly circumstanced others have been paid salary on absorption, but in the case of the petitioner the respondents have not paid the



salary, the action of the respondents is per se discriminatory and violative of Articles 14 and 16 of the Constitution of India considering the fact that in the matter of 4th Phase Constituent Colleges after absorption, it was the obligation of the State as well as University to ensure payment of salary to teaching and non-teaching staff of Constituent College in 4th Phase.

4. Accordingly, the writ application is disposed of with a direction to the University to workout the entitlement of the petitioner in terms of the absorption of the petitioner pursuant to the direction of the Apex Court in the case of State of Bihar Vs. Bihar Rajya MSESKK Maha Sangh, reported in (2005) 9 SCC 129 and ensure payment of the same within a maximum period of four months from the date of receipt/production of a copy of this order.

5. In case, the respondent University is facing financial constrained in paying dues to the petitioner, liberty shall be available to the University to raise demand from the State Government for allocation of additional fund by enclosing the utilization certificate of the fund earlier received by the University. In case, such request is made by the University, the State is required to provide additional fund for payment of petitioner and similarly circumstanced other teaching and non-teaching staff absorbed in the service of the University in terms of Rule 4 (1) (14) of the Bihar



Universities Act pursuant to the decision of the Mahasangh case (supra).

6. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.04.2018
Transmission Date	

