

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11862 of 2014

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1. Ram Nandan Sharma, son of Late Satyadeo Sharma, resident of village- Bemai, P.S.- Pali, District- Jehanabad
 2. Arvind Kumar Singh, son of Late Hari Kishore Prasad Singh, resident of village- Pipara Khem, Post- Pipara Khem, P.S.- Kalyanpur, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna
2. B.R. Ambedkar Bihar University, Muzaffarpur, through its Registrar
3. Vice Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur
4. Registrar, B.R. Ambedkar Bihar University, Muzaffarpur
5. Principal, S.K. Sinha Women's College, Motihari

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Advocate Mr. Ujjawal Bhushan, Advocate Mr. Kushagra Raj, Advocate
For the Respondent/s	:	Mr. Sc4-Md.Raisul Haque
For the University	:	Mr. Dhrub Mukherjee, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 23-07-2018

Heard learned counsel for the petitioners and
learned counsel appearing on behalf of the University.

The grievance of the petitioners in the present
writ application is non-payment of salary despite the petitioners'
claim that they are regularly working.

Learned counsel for the petitioners submits that
petitioners are regularly working in the college in question for
the last three decades and they are at the verge of
superannuation.



He further submits that up to February, 2013, the petitioners were paid salary. He submits that suddenly the respondent University has stopped salary, although, the petitioners are still working in the college in question.

Mr. Dhrub Mukherjee, Sr. Advocate submits that payment of salary depends on the validity of the appointment. Referring to Annexure-14, he submits that names of the petitioners do not appear in Annexure-14 prepared by the University and as such University has to examine the claim of the petitioners and if it is found that petitioners are working, finalize the list after approval of the State Auditor.

Law in this regard settled by a series of decision of this Court that the State Auditor has no role in the matter of fixation of pay-scale, appointment and promotion. It is domain of the University and the University is competent to take final decision.

Considering the aforesaid, the writ petition is disposed of with direction to the University (Registrar) to examine the claim of the petitioners and if it is found that petitioners have worked for nearly three decades and also they were paid salary, the University will consider the desirability of making payment of salary for the period the petitioners have



actually worked as the material available on record indicates that the University has made payment of salary to these petitioners.

Final decision in this regard must be taken within a maximum period of four months from today and the University is expected to grant consequential benefit including payment of salary within the time frame indicated above.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27.07.2018
Transmission Date	

