

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15034 of 2016

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1. Umesh Choudhary son of late Prabhu Chaudhary resident of Mohalla-Kaji Bazar, P.S. Hilsa, District Nalanda, at present posted as Routine Clerk, S.U. College, Hilsa, District Nalanda.

.... Petitioner/s

Versus

1. The Vice Chancellor, Magadh University, Bodh Gaya, District Gaya.
2. The Registrar, Magadh University, Bodh Gaya District- Gaya. null null
3. The Finance Officer, Magadh University, Bodh Gaya District- Gaya.
4. The Principal, Shrichand Udasin College, Hilsa, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan

For the Respondent/s : Mr. Girijish Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 06-03-2018 Heard learned counsel for the petitioner and counsel appearing for the State.

Learned counsel for the petitioner submits that petitioner was appointed on compassionate ground but despite the fact that the petitioner is regularly discharging his duty, he has not been paid salary.

On behalf of the university, a stand was taken that the petitioner was appointed on compassionate ground but the post was not vacant and as such, payment could not be made to the petitioner.

In paragraphs- 8 to 11 following stand has been taken by the respondents which is quoted below:



8. That it is respectfully stated and submitted that keeping in view the law laid down by the Hon'ble Apex Court and the order relied upon by the petitioner, passed in CWJC No. 9489 of 2013 by a bench of this Hon'ble Court, the petitioner will be adjusted to another college against a vacant sanctioned post of Routine Clerk and his arrears of salary as well as current salary will be paid to him after release of fund from the state government under section 35 of the Bihar State Universities Act, 1976.

9. That it is respectfully stated and submitted that since the state government is the funding agency, the university will request for release of fund for making payment to the petitioner after adjusting him in some other college. The petitioner will be paid his arrears of salary after receipt of fund from the state government.

10. That under the above stated facts, the writ petition may kindly be disposed of at the stage of admission itself.

In view of the stand taken by the university in paragraph-8 onwards quoted hereinabove, this writ petition is disposed of with direction to the respondents to post the petitioner against a sanctioned vacant post within a period of sixty days from the date of receipt/production of copy of this order.

The university is also required to work out payment of



arrears to the petitioner within the time frame indicated hereinabove. The entire payment may be made available to the petitioner within a maximum period of four months from the date of receipt/production of copy of this order.

With the aforesaid observation, this writ application is disposed of.

(Anil Kumar Upadhyay, J)

A.K.V./-

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