

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4238 of 2015

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Shyam Sunder Rai, Son of Late Prof. Shaligram Rai, Resident of village- Rannu Chak, P.O.- Rannu Chak- Makandpur, P.S.- Nath Nagar, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources. Development Department, Government of Bihar, Patna.
3. The Secretary, Department of Higher Education, Government of Bihar, Patna.
4. The Director, Higher Education, Government of Bihar, Patna.
5. The Tilka Manjhi University, Bhagalpur, through the Vice Chancellor.
6. The Vice Chancellor, Tilka Manjhi University, Bhagalpur,
7. The Registrar, Tilka Manjhi University, Bhagalpur,
8. The Finance Officer, Tilka Manjhi University, Bhagalpur.
9. The Principal, B.N. College, Bhagalpur, District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pravina Kumari, Advocate
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-01-2018

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

2. The petitioner has moved the Court for the following
reliefs:

(I) A writ is the nature of certiorari setting aside the order dated 30.07.2014 passed in Samittee case no. 140 of 2013 by university teaching and non-teaching employees due salary payment committee known as Sri. V. S. Dubey Committee in pursuant to order dated 04.07.2013 passed in C.W.J. C. No. 16301 of 2012 by this Hon'ble court whereby and where under, the claim of petitioners father with regard to payment of due salary since 05.04.1982 to 30.09.1986 as well as grant of time bound promotion and consequential benefit has been



refused on technical ground for non submission of affidavit by two similarly situated teachers who have been received the benefit of due salary of the intervening period and computing the service since 05.04.1982 to date of retirement i.e. 31.01.1995, father of petitioner is entitled to get the benefit of time bound promotion after completion of 10 years of substantive service.

(ii) For a direction upon the respondents concern to pay the due salary for the period since 5.4.1982 to 30.09.1986 as well as differences of salary on account of grant of 1st time bound promotion with all consequential monetary benefits.

(iii) Any other order/orders for granting any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.”

3. Coming to the merits of the case, learned counsel has tried to persuade the Court that there are sufficient evidence to indicate that other similarly situated persons may have got payment. The main base of her argument was that information obtained under the Right to Information Act from the college concerned under the T.M. Bhagalpur University, two persons are said to have been paid some amount but the exact amount is not disclosed.

4. In the background of the petitioner having moved the Court earlier on two occasions, in C.W.J.C. No. 2169 of 2005, pursuant to which the then Vice Chancellor had passed an order dated 25.11.2010 rejecting the claim on the ground that there was no sustainable documents to show that the plea of the petitioner was genuine, with the observation that if the petitioner so desires, he may



bring up any documents to substantiate his claim and the University will not hesitate to reconsider his claim. Thereafter, the petitioner again moved the Court in C.W.J.C. No. 16301 of 2012, which was disposed off by order dated 04.07.2013, with liberty to the petitioner to file a representation before the V.S. Dubey Committee which was directed to consider the same. In terms thereof, the Committee headed by Mr. V. S. Dubey along with two other members considered the matter and by a detailed order dated 30.07.2014 has again rejected the claim for reasons recorded in the said order. The said order runs into 10 pages.

5. Upon going through the order, the Court finds that the same is well discussed, both on facts as well as in law, and nothing has been brought on record on behalf of the petitioner to show that the order deserves interference. The Court would pause here and indicate that even the claim raised by the petitioner is not of himself but of his late father and relates to payment for the period 1982-86. Such claim not having been raised by the father of the petitioner, who was the employee and who superannuated in the year 1995 and thereafter died after 4 years in the year 1999 and now the son trying to get some money, which was allegedly due to his father and that too after more than 35 years of the cause of action and 22 years of his superannuation and 18 years of his death, the Court finds that the



claim is absolutely stale and suffers from gross delay and laches.

6. For the reasons aforesaid, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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