

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2717 of 2016

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Dr. Naresh Narain Singh, S/o Late Hari Narain Singh, R/o village, Post & P.S. Mahisi, District - Saharsa was Working as Professor Incharge of Dharma Samaj Sanskrit College, Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Development Department, Govt. of Bihar, Patna
2. Kameshwer Singh Darbhanga Sanskrit University, Kameshwernagar, Darbhanga through its Registrar
3. The Vice - Chancellor, Kameshwer Singh Darbhanga Sanskrit University, Kameshwernagar, Darbhanga
4. The Registrar, Kameshwer Singh Darbhanga Sanskrit University, Kameshwernagar, Darbhanga
5. The Principal, Dharm Samaj Sanskrit College, Muzaffarpur

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 2740 of 2016

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Prof. (Dr.) Laxmi Nath Jha, S/o late Pt. Kanjnath Jha, R/o Village and P.O- Deep Jai Jhanjharpur, R.S., P.S. Jhanjharpur, District Madhubani was working as Professor PG Department of Sahitya, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. Kameshwer Singh Darbhanga Sanskrit University, KameshwarNagar Darbhanga through its Registrar.
3. The Vice -Chancellor, Kameshwer Singh Darbhanga Sanskrit Kameshwar Nagar, Darbhanga
4. The Registrar, Kameshwer Singh Darbhanga Sanskrit Kameshwar Nagar, Darbhanga

.... Respondent/s

Appearance :

(In CWJC No.2717 of 2016)

For the Petitioner/s : Mr. Manoj Kumar Manoj, Advocate

For the Respondent/s : Mr. Raj Nandan Prasad, SC-9

For the University : Mr. Gyanand Roy, Advocate

(In CWJC No.2740 of 2016)

For the Petitioner/s : Mr. Manoj Kumar Manoj, Advocate

For the Respondent/s : Mr. S. S. Prasad, SC-10



For the University : Mr. Gyanand Roy, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 27-03-2018

Heard learned counsel for the petitioners and the respondents.

Learned counsel for the petitioners, with reference to stand of the University in counter affidavit, admits that the University has accepted the claim of the petitioners for payment of salary for the period, in view of the subsequent development whereby the age of superannuation of the University Teacher was admitted as 65 years.

Learned counsel for the petitioners submits that certain payments have been made, but not the entire payment. He also submits that the grievance is now confined to calculation of the last average pay for the purpose of determination of pensionary benefits to the petitioners.

In view of the above, the writ applications are disposed of with a direction to the University to ensure payment of the salary as indicated in the counter affidavit within a maximum period of three months from the date of receipt/production of a copy of this order.

The Court hopes and trusts that the State as well as the University will do the needful in order to make payment of the arrears of salary of the petitioners. In the event, the University is faced with



financial crisis in the matter of payment of the arrears to the petitioners, the University may raise a demand from the State Government and the State Government is expected to release the fund, so that the petitioners may be paid their arrears within a maximum period of 30 days of raising demand.

The University is also expected to recalculate the pensionary benefits on account of average pay drawn by the petitioners. The entire exercise with regard to the calculation of pensionary benefits must be taken by the University within a period of three months.

With the aforesaid the writ applications stand disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.03.2018
Transmission Date	

