

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22493 of 2014

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1. Dr. Kanhaiya Jee Jha S/o Late Mahabir Jha Resident of Makranda, P.O. + P.S. Manigachi, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The L.N. Mithila University, Darbhanga through its Registrar.
3. Vice Chancellor, L.N. Mithila University, Darbhanga.
4. Registrar, L.N. Mithila University, Darbhanga.
5. Principal, M.R.M. College, Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava

For the Respondent/s : Mr. GP10-KUMARI AMRITA

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 14-08-2018

Heard learned counsel for the petitioner and counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ application is of non-payment of salary between the period March, 2002 to 10.09.2012 including the subsistence allowance for the period the petitioner was under suspension.

Learned counsel appearing on behalf of petitioner submitted that the respondent University have not filed any counter affidavit, although two advance copies was served on 24.12.2012. On behalf of the State, a counter affidavit was filed where the stand has been taken that the State has already released Rs.543 crores and odd



towards payment of arrears and post retrieval benefits to be paid to the employees of the University. It is bounden obligation of the University to see that the fund allocated by the State Government is utilized properly for payment of arrears.

Learned counsel appearing on behalf of the petitioner has drawn attention of this Court to Annexure-9 which is the calculation by the University for the period April, 2005 to September, 2012.

In that view of the matter, respondent have to only work out the amount payable to the petitioner from March, 2002 to March 2005 as vide Annexure-9, the University has already calculated the entitlement. However, the University has reserved his right to determine the amount payable to the petition for period March, 2012 to March, 2015 as evident from Annexure-10, it would be evident that the University has admitted that no payment was made to the petitioner from March, 2002 to September, 2012.

Under the aforesaid circumstance, the University is required to complete the formality as to determination of the amount payable to the petitioner within a maximum period of three months from the date of receipt / production of a copy of this order. If the payment is not made to the petitioner within time frame indicated hereinabove, entire arrears will carry interest @ 9 per cent per annum from the date of accrual till the date of actual payment which shall be



borne out from the pocket of the erring officials of the University to be identified by the Vice-Chancellor of the University.

With the aforesaid observations and directions, this writ petition is disposed of.

(Anil Kumar Upadhyay, J)

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
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