

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15418 of 2011

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RATI KANT MISHRA S/O LATE FUCHAN MISHRA R/O ROSHERA, P.S.
ROSHERA DISH - SAMASTIPUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE PRINCIPAL SECRETARY, HIGHER EDUCATION DEPARTMENT,
NEW SECRETARIAT, PATNA
3. THE DIRECTOR, HIGHER EDUCATION DEPARTMENT, NEW
SECRETARIAT, PATNA
4. KAMESHWAR SINGH DARBHANGA SANSKRIT UNIVERSITY,
KAMESHWAR NAGAR, DARBHANGA null null
5. THE VICE CHANCELLOR, KAMESHWAR SINGH DARBHANGA
SANSKRIT UNIVERSITY, KAMESHWAR NAGAR, DARBHANGA
6. THE REGISTRAR, KAMESHWAR SINGH DARBHANGA SANSKRIT
UNIVERSITY, KAMESHWAR NAGAR, DARBHANGA
7. THE FINANCE ADVISOR, KAMESHWAR SINGH DARBHANGA
SANSKRIT UNIVERSITY, KAMESHWAR NAGAR, DARBHANGA null
null
8. THE FINANCE OFFICER, KAMESHWAR SINGH DARBHANGA
SANSKRIT UNIVERSITY, KAMESHWAR NAGAR, DARBHANGA
9. THE CHAIRMAN, GOVERNING BODY, SANSKRIT COLLEGE,
ROSHERA, SAMASTIPUR
10. THE SECRETARY, GOVERNING BODY, SANSKRIT, COLLEGE,
ROSHERA, SAMASTIPUR
11. THE PRINCIPAL, SANSKRIT COLLEGE, ROSHERA, SAMASTIPUR

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anup Kumar Sinha
For the Respondent/s : Mr. Rajesh Kumar Gp8

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 19-06-2018

Heard learned counsels for the petitioner, State,
University as well as college.

Learned counsel for the respondent University has filed
counter affidavit to contest the claim of the petitioner. However, in
the peculiar facts and circumstances of the case that the order of
Chancellor has attained finality and will be binding upon the



parties. No plea raised in the counter affidavit is worth merit and is accordingly hereby rejected.

Counsel for the petitioner submits that the Hon'ble Chancellor of the University has passed order in the case of this petitioner on 18.1.2005 whereby the Hon'ble Chancellor set aside the order of termination of the petitioner and passed the following order:-

“In the meanwhile, the petitioner will be paid salary until final order is passed for the reason that the impugned order regarding removal has been quashed.

The petitioner is at liberty to file another petition if he were to be aggrieved by final order passed.”

Notwithstanding the specific direction of the Hon'ble Chancellor to pay salary until final order, the respondent University has not bothered to carry out the direction of the Hon'ble Chancellor, the court does not approve the action of the respondents in defying the direction of the Hon'ble Chancellor. The University is obliged to comply the direction forthwith. Accordingly, the respondent University is hereby directed to ensure payment of entire salary in terms of order of the Hon'ble Chancellor dated 18.1.2005 within a maximum period of sixty days from the date of receipt/production of a copy of this order, failing which the entire arrears payable to the petitioner will carry



interest @ 9 per cent per annum and the same shall be paid from
the pocket of the Vice-Chancellor and Registrar of the University.

(Anil Kumar Upadhyay, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.06.2018
Transmission Date	

