

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16024 of 2011

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1. Binayak Choudhary S/O Late Govind Choudhary R/O Village- Mourya Nagar Colony Salepur, P.O.- Mirjanhat (Near Gramin Cold Storate), P.S.- Jagdishpur, District- Bhagalpur, Principal'S Peon In The Office Of The Principal, Bhagalpur National College, Bhagalpur

.... Petitioner/s

Versus

1. The Chancellor Of Universities, Raj Bhawan, Patna
2. The Vice Chancellor, Tilkamanjhi, Bhagalpur University, Bhagalpur
3. The Tilkamanjhi Bhagalpur University, Bhagalpur Through Its Registrar
4. The Registrar, Tilkamanjhi Bhagalpur University, Bhagalpur
5. The Principal, Bhagalpur Evening College (Now Bhagalpur National College), Bhagalpur
6. Kulanand Sah S/O Not Known Assistant (Retd.), Bhagalpur Evening College (Now Bhagalpur National College), Bhagalpur
7. Vyas Mandal S/O Jamuna Mandal Assistant, Bhagalpur Evening College (Now Bhagalpur National College), Bhagalpur
8. Naresh Mohan Mishra S/O Not Known Assistant, Bhagalpur Evening College (Now Bhagalpur National College), Bhagalpur
9. Tarun Kumar Chatterjee S/O Not Known Assistant, Bhagalpur Evening College (Now Bhagalpur National College), Bhagalpur
10. Shyama Kant Jha S/O Not Known Assistant, Bhagalpur Evening College (Now Bhagalpur National College), Bhagalpur
11. Nand Kishore Kunwar S/O Not Known Assistant, Bhagalpur Evening College (Now Bhagalpur National College), Bhagalpur
12. Nand Kishore Sharma S/O Not Known Accountant, Bhagalpur Evening College (Now Bhagalpur National College), Bhagalpur
13. Geetanand Prasad Singh S/O Not Known Accountant, Bhagalpur Evening College (Now Bhagalpur National College), Bhagalpur
14. Nawal Kishore Kunwar S/O Not Known Accountant, Bhagalpur Evening College (Now Bhagalpur National College), Bhagalpur
15. Sri Nandan Choudhary S/O Not Known Assistant, Bhagalpur Evening College (Now Bhagalpur National College), Bhagalpur
16. Sadanand Roy S/O Not Known Assistant, Bhagalpur Evening College (Now Bhagalpur National College), Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SANJAY KUMAR VERMA

For the Respondent/s : Mr. ANIL SINGH

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 06-09-2018



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

2. After the filing of counter affidavit on behalf of the University, the case was adjourned. Vide order dated 03.07.2018, when the Court noticed the fact that juniors to the petitioner have been paid salary with effect from 1980, the Court granted one week time to the University to seek instruction on the point whether the University is prepared to pay the petitioner arrears of pay from the date of juniors have been paid such pay scale. Today once again two weeks time is sought for to file affidavit on the point whether University is ready to pay arrears from the date of juniors to the petitioner have been paid salary of class III. This writ petition is pending for the last 7 years and in the meanwhile, the petitioner has superannuated and the only issue involved is corrective justice to the petitioner. Since the petitioner has superannuated now he cannot be granted the status of Class-III for the purposes of working as Class-III. The only issue is the monetary benefit to the petitioner. The Court is of the view that petitioner would be entitled, if juniors have been granted such monetary benefits by granting notional promotion with monetary benefits.

3. Under the aforesaid circumstances, instead of keeping the petition pending, the writ application is disposed of with the direction to the University to examine the claim of the petitioner and if it is



found that any junior to the petitioner was granted the status of Class-III and paid salary of class-III, the university is under obligation to see that the petitioner is paid salary of Class-III treating the petitioner notionally Class-III from the date when the juniors have been granted such benefit and ensure payment of salary of Class-III from the date juniors have been granted such pay scale. University is also required to grant all other consequential benefits in the matter of fixation of pensionary benefit to the petitioner treating him as Class-III employee from the date junior to the petitioner has been granted the status and scale of Class-III..

4. The entire exercise in this regard must be completed by the respondent within a maximum period of four months from the date of receipt of a production of a copy of this order.

5. With the aforesaid observation and direction, this writ petition is disposed of.

(Anil Kumar Upadhyay, J)

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	.../09/2018
Transmission Date	NA

