

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7204 of 2015

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Dr. Kailash Sahu S/o late Ram Bahadur Sahu resident of Panjabi Colony Gali No. 1, P.S Samastipur, District Samastipur, Presently posted as University Professor and Head of Department of Chemistry B.R.B. college , Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Vice-Chancellor, L.N. Mithila University, Kameshwar Nagar, Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Principal B.R.B. College Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate
For the LNMU	:	Mrs. Binita Singh, Advocate
For the State	:	Mr. Ajay Bihari Sinha, SC 19

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 24-08-2018

Heard learned counsel for the petitioner; State and L. N. Mithila University (hereinafter referred to as the ‘University’).

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

“(I) For issuance of an appropriate writ of Mandamus commanding and directing the



respondent to make payment the difference of arrear of salary of Reader to University Professor on account of promotion to the post of University Professor w.e.f. 02.11.98, for the period of 02.11.1998 to 31.12.2005 and difference of arrear of salary in revised scale w.e.f. 01.01.2006 to 31 May 2011 including D.A. H.R.A. and Medical allowance which has not been paid to the petitioner.

(ii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

3. The only controversy which remains is with regard to D.A. and H.R.A. By various orders and also the State officials appearing before the Court, finally, the position which emerges, is that there is a categorical stand on behalf of the State that other Universities have been paying such dues to the employees and only L. N. Mithila University has raised this bogey and, thus, the onus is on the University to pay the amount to its employees without any State involvement. Learned counsel for the State submitted that they have been releasing sufficient funds to make payment and for which no separate fund especially earmarked for these two heads is required. It has further been clarified that the University paying it to



its employees shall not be taken adversely by the State. In view of the stand taken before the court today by learned counsel for the State, it is not deemed necessary to keep the writ petition pending.

4. Learned counsel for the University took a categorical stand that they shall make the payment of such dues to the petitioner within two months from today. Learned counsel for the State submitted that necessary funds, as may be required, shall be released to the University expeditiously.

5. In view of the position which emerges, the writ petition stands disposed off in light of the stand of the State Government and that of learned counsel for the University with regard to making payment to the petitioner.

6. The Court would only indicate that as the order has been passed on the stand taken by learned counsel for the University and State itself, if any violation of the same is brought to the notice of the Court, the same shall be taken seriously.

(Ahsanuddin Amanullah, J)

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