

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15946 of 2014

1A. Himanshu Kumar,
1B. Dr. Vikrant,
both sons of Late Shivautar Prasad Singh, resident
of Mohalla - Srikanth Tola, village & Police Station - Barhiya,
District - Lakhsisarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Government of Bihar in the Department of Education, Bihar, Patna
2. The Principal Secretary, Government of Bihar in the Department of Education, Bihar, Patna
3. The Director, Higher Education, Bihar, Patna
4. The Tilka Manjhi Bhagalpur University, Bhagalpur through its Registrar
5. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur
6. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur
7. The Finance Officer, Tilka Manjhi Bhagalpur University, Bhagalpur
8. The Principal, B.N.M. College, Barhiya

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar, Advocate
For the Respondent/s : Mr. A.Muztafa, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 18-08-2018

I.A.No. 1374 of 2015 has been filed for substitution of legal heirs of the petitioner, who is stated to have died on 06.10.2014 leaving behind his two sons, namely, Himanshu Kumar and Dr. Vikrant, as stated in para-2 of the interlocutory application.

2. For the reasons stated in the interlocutory application, let the name of the petitioner be deleted and in his place his sons, namely, Himanshu Kumar and Dr. Vikrant, as stated in para-2 of the interlocutory application, be substituted as petitioner Nos. 1A and 1B to the writ petition.



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

4. The issue relates to payment of salary for various periods.

5. On behalf of the State a counter affidavit has been filed wherein stand has been taken that the issue relates to the University as the University is the custodian of the records and as such, the University has to take steps for payment and the State used to release funds for payment of arrears and current salary as well as post retiral dues. There is no counter affidavit on behalf of the University.

6. In the aforesaid circumstances, liberty is granted to the substituted petitioners to file exhaustive representation before the University to substantiate the claim for payment of salary for the period the original petitioner was not paid salary.

7. The respondent-University is required to examine the claim of the petitioners and if it is found that amounts towards payment of salary is due to the original petitioner, necessary decision may be taken after calculating the salary payable to the original petitioner and appropriate order ensuring payment of the same to the legal heirs, i.e. the substituted petitioners may be



passed by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order.

8. It is made clear that this Court has not gone into the merit of the claim of the petitioners. It is for the University to verify the record and take appropriate decision.

9. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.08.2018
Transmission Date	

