

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7374 of 2012

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1. Rakesh Kumar S/O Late Shambhu Saran Sharma Resident Of Village-Lari, P.S.-Kurtha, District-Arwal
 2. Vimal Kumar S/O Late Ramadhar Sharma Resident Of Village-Lari, P.S.-Kurtha, District-Arwal
 3. Ram Bachi Devi W/O Late Sudarsan Sharma Resident Of Village-Ratanpur, P.S.-Daudnagar, District-Aurangabad
 4. Piyariya Devi W/O Late Bachu Resident Of Village-Uttarpatti, P.S.-Sakurabad, District-Jehanabad
 5. Shyam Kishore Nandan S/O Late Brij Nandan Sharma Resident Of Village-Ganiyari, P.S.-Kinjar, District-Arwal

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary-Cum-Commissioner, Human Resources Development Department, Bihar, Patna
3. The Vice Chancellor, Magadh University, Bodh Gaya
4. The Registrar, Magadh University, Bodh Gaya
5. The Finance Officer, Magadh University, Bodh Gaya
6. The Principal, S.B.A.N. College, Derheta Lari, Arwal

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Respondent/s : Mr. Madan Mohan, AC to SC-5
For the University : Mr. Ritesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 02-07-2018

Heard learned counsel for the petitioners and the respondents.

2. The present writ application has been filed for a direction upon the respondents for payment of salary.

3. From perusal of the writ application, it appears that the petitioners were not paid salary from March 2011.

4. On behalf of respondents, till date no counter



affidavit has been filed, which shows indifferent attitude of the respondents in conducting the case. From Annexure-3, it appears that on 23.12.2011 information was furnished by the Public Information Officer that in the College in question 60 non-teaching employees were working against 50 non-teaching post and the State Government releases the fund for 50 non-teaching employees. Under the circumstances, the College is in a fix how to distribute the fund allocated by the State Government to all 60 non-teaching employees.

5. Considering the aforesaid, the writ application is disposed of with a direction to the Director, Higher Education to see that those who have been appointed in accordance with law must be paid salary including those 10 appointed employees, who were appointed on compassionate ground, as appointment on compassionate ground is to ensure that the family of the dependent may tide over the financial crisis on account of the death of the bread earner. The Vice-Chancellor as well as the Director, Higher Education shall be under personal obligation to ensure payment of non-teaching employees, if not already paid, within a period of 60 days from the date of receipt/production of a copy of this order, failing which the arrear will carry interest at the rate of 9% per annum, which shall be borne out from the pocket of erring officer for non-payment of salary of legally and validly appointed non-teaching employees. The Vice-



Chancellor and the Director, Higher Education are also directed to fix the accountability on the delayed payment and recover the said amount of interest from the erring officer.

6. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.07.2018
Transmission Date	

