

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8962 of 2012

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Ram Kripal Thakur S/O Late Sahdev Thakur, Resident Of-Infront Of R.S.S. Science College, Dumra (SITAMARHI), P.S.-DUMRA, District-Sitamarhi, a Superannuated Employee As Reader From R.S.S. Science College, Sitamarhi

... .. Petitioner

Versus

1. The State Of Bihar
2. The Director, Higher Education, Govt. Of Bihar, Patna
3. The Vice Chancellor, B.R.A. Bihar University, Muzaffarpur
4. The Registrar, B.R.A. Bihar University, Muzaffarpur
5. The Finance Officer, B.R.A. Bihar University, Muzaffarpur
6. The Principal, R.S.S. Science College, Sitamarhi

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate
For the State	:	Mr. Durgesh Nandan, AAG 14
For the University	:	Mr. Nikhil Kumar Agrawal, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 24-09-2018

Heard learned counsel appearing for the petitioner, learned counsel representing the State and learned counsel appearing for the B R A Bihar University.

Learned counsel for the petitioner submits that the University in its counter affidavit (sic 1st supplementary counter affidavit) filed on 30th July, 2018 in paragraphs-9 and 10 has taken specific stand. Paragraphs- 9 and 10 of the counter affidavit are quoted hereinbelow:-

“9. That it is stated that the Vice-Chancellor, on the basis of Section 48(10A) of the University Calendar and in view of memo no. 1017 dated 25.09.1980 issued



by the University Service Commission, accorded his approval that the service of the petitioner shall be treated from the date of joining, i.e. 09.11.1970, and that similar yardstick should be applied in similarly situated cases. However, the respondent no. 8 herein did not agree.

“10. That it is relevant to state that here that the University had, on 07.05.2006, already fixed the pay point of the petitioner in this stage of Rs.19560/- as on 01.03.2006 and the State Government, vide letter no. 1448 dated 27.07.2015 substantiated the decision of the University by indicating that the University is empowered to fix pay of the employees of the University.”

Learned counsel for the petitioner further submits that in view of the stand taken by the University in its counter affidavit the writ petition may be disposed of with the direction to the respondent-University to implement their decision contained in Annexures- A and B to the counter affidavit expeditiously.

Considering the position that emerged from Paragraphs- 9 and 10 of the counter affidavit and Annexures- A and B thereto, the University is directed to take appropriate decision in furtherance of Annexures - A and B, if not already taken, within a maximum period of four months from the date of



receipt/production of a copy of this order and grant all consequential benefits.

In view of the stand taken by the University in Paragraphs- 9 and 10 of the counter affidavit, Annexures - 9 and 11 to the writ petition have lost their significance and cannot operate as impediment in taking follow-up action in terms of Annexures- A and B.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26.09.2018
Transmission Date	N.A.

