

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20602 of 2013

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SADANAND RAY SON OF LATE RAM BHAROSA RAI RESIDENT OF
VILLAGE CHAPRI (DADPUR) P.O. BHIKHANPUR P.S. AMARPUR
DISTRICT BANKA

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Higher Education Govt. Of Bihar Patna
3. The Vice Chancellor Of Tilka Manjhi Bhagalpur University, Bhagalpur
4. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur
5. The Principal, Bhagalpur National College Under Tilka Manjhi Bhagalpur University, Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vishwanath Pd. Singh, Sr. Advocate
For the Respondent/s	:	Mr. Ramadhar Singh, G.P-25
For the Univrsity	:	Rekha Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

8 13-08-2018 Heard learned counsel for the petitioner and lerned
counsel for the State as well as University.

Learned senior counsel Mr. Vishwanath Pd. Singh submits that petitioner was paid arrears from 13.09.1984, when the vacancy was available for accommodating the petitioner whereas payments were made to others from 05.04.1982 before regularization and availability of posts. Learned senior counsel submits that action of the respondent University is illegal arbitrary and discriminatory and such cannot sustain however in the absence of those persons who have been granted such benefit by the University, the Court cannot issue any specific



direction in favour against them. However, this court cannot issue any direction in favour of the petitioner for payment of salary from a date anterior to the availability of post refereeing to the instances of others as the Court cannot issue direction to perpetuate illegality. It is made clear that if others have been illegally granted arrear from a date before the date of regularization or availability of posts, the University is required to adopt corrective measure after opportunity of hearing to the person likely to be adversely affected. In the peculiar facts of this case the University may adopted corrective measures by recovery of the amount paid illegally to others after opportunity of hearing to them as indicated above. Entire exercise in this regard may be taken by the University within a maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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