

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.444 of 2018

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Krishna Kant Mishra, Son of Late Abhinandan Mishra, Resident of Village-
Dahaura Balia, P.S.- Manigachi, P.O.- Balia, Via- Sakri, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director (Higher Education), Education Department, Government of Bihar, Patna.
3. Kameshwar Singh Darbhanga Sanskrit University, Darbhanga through its Registrar, Kameshwar Nagar, Darbhanga.
4. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
5. The Budget Officer, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Jha, Advocate Mr. Sanjeev Kumar, Advocate Mr. Aman Raja, Advocate
For the State	:	Mr. Madhukar Misra, AC to SC16
For the University	:	Mr. Awadhesh Prasad Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 11-05-2018 Heard Mr Ajay Kumar Jha, learned counsel for the

petitioner, learned counsel appearing on behalf of the University

and learned counsel appearing for the State.

The petitioner has filed the present writ application
for a direction to the respondents to pay salary and other
emoluments to the petitioner which were not paid since June
2011.

Learned counsel for the University took the plea that
on account of indecisiveness of the respondent-State, the



University has not been able to make the payments of the dues of the petitioner. In the counter affidavit of the respondent-State, in Para 19 following statements have been made:

“19. That though the State Government vide letter no. 898 dated 03.05.2013 requested the University to get the service of 61 teachers approved by the competent authority by obtaining recommendation of selection committee of the University and accordingly the University has sent a list of 37 teachers including the petitioner vide its letter dated 20.11.2013, 22.11.2013 and 09.12.2013 by confirming their services from their initial date of appointment but the same was under consideration before the State Government. In this connection it is stated here that in the meantime in the year 2015 amendment has been made in section 57A of the Bihar State Universities Act and accordingly, the State Government vide its letter no. 2024 dated 09.12.2017 requested the University to send proposal in respect of 37 teachers including the petitioner after completing the process in view of amended provisions of 57A of Bihar State Universities Act.”

Mr. Jha, learned counsel appearing on behalf of the petitioner submits that the stand taken in paragraph 19 is not a genuine difficulty of the respondent-State. As is evident from Annexure 13, which has been enclosed in the reply to the



counter affidavit, it is manifest that the needful was done by the University and vide letter no. 569 dated 07.04.2018, the Additional Secretary, Education Department was communicated the details with regard to 37 teachers including the petitioner.

In view of the above, the respondent-State, as well as the University are required to proceed further and ensure payment of salary within a maximum period of 3 months from the date of receipt/production of a copy of this order.

It is made clear that after Annexure 13, the State cannot take plea that the matter is pending at the level of the University, and in view of the para 19 of the counter affidavit of the State, the University cannot take plea that the matter is pending at the level of State.

In view of the development noted above, the University and the State are required to see that the payments are made to the petitioners both arrears as well as current within the time frame indicated hereinabove.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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