

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17553 of 2017

Dr. Md. Ali Hussain, Son of Late Md. Razzaque, Resident of Aliganj, Rod No.01, P.S.- Chandaui, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Department of Education, New Secretariat, Government of Bihar, Patna.
3. The Director, Higher Education, New Secretariat, Vikas Bhawan, Government of Bihar, Patna.
4. The Vice-Chancellor, Magadh University, Bodh Gaya, Gaya.
5. The Registrar, Magadh University, Bodh Gaya.
6. The Finance Officer, Magadh University, Bodh Gaya.
7. The Principal, Mirza Ghalib College, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Virendra Prasad, Advocate
For the Respondent/s : Mr. Kumar Amitesh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 28-02-2018 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State as well as the University.

Learned counsel for the petitioner submits that the grievance of the petitioner with regard to difference of salary is covered by the decision of this Court dated 4.12.2012 in CWJC No. 15310/2009, as contained in Annexure-11 to the writ petition.

This Court has examined in detail the issue as to entitlement of the payment of arrears of salary in CWJC No. 15310/2009 and vide order dated 4.12.2012, the writ petition



was allowed in the following terms:

“Accordingly, the State Authorities are directed to take expeditious steps for release of fund for payment of salary to the petitioners to be calculated from the date of recommendation of their permanent appointment by the Selection Committee as contained in Annexure-E, preferably within eight weeks from the date of receipt/production/communication of this order. The University at its end would be required to immediately release the amount after necessary calculation in favour of the concerned college so that payment is made immediately to the petitioners. The whole exercise should be completed within three months failing which the petitioners would also be entitled for simple interest @ 12% per annum to be calculated from the date the amount became due till its final payment.

Accordingly, this writ application stands allowed.”

In view of the above, this writ petition is disposed of with a direction to the University to examine the case of the petitioner in the light of the order dated 4.12.2012, Annexure-11 and in case the petitioner’s claim is found justified, necessary order on the line of Annexure-11 be passed by the respondents and consequential benefits must be extended to the petitioner. The



entire exercise must be undertaken 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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