

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3739 of 2011

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DR. MUNI SINGH SON OF LATE BENI RAI RESIDENT OF MOHALLA -
NAI BAZAR, P.S. - BHAGWAN BAZAR, DISTT. - CHAPRA.

... .. Petitioner/s

Versus

1. JAI PRAKASH UNIVERSITY THROUGH REGISTRAR, CHAPRA.
2. VICE CHANCELLOR, JAI PRAKASH UNIVERSITY, CHAPRA.
3. REGISTRAR, JAI PRAKASH UNIVERSITY, CHAPRA.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.
For the Respondent/s : Mr. Nagendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

8 25-06-2018 Heard learned counsel for the petitioner and the State.

The grievance of the petitioner in the present writ application is non-payment of increment for obtaining Ph.d degree before 1.1.1996. Learned counsel for the petitioner submits that respondents have denied the benefits of two increments for completing the Ph.d degree before 1.1.1996 whereas the others have been granted such benefits. He referred to the judgment of Coordinate bench of this Court in C.W.J.C. No.15136 of 2010 dated 15.11.2016 where this Court has considered the various aspects and held that the benefit of increments for doing Ph.d Degree is admissible w.e.f. 1.1.1996.

On behalf of the respondent University counter affidavit has been filed wherein the arrear of two increment has been restored by the University and after calculation the amount



is found payable has been paid to the petitioner w.e.f 1998.

Considering the rival submission of the parties and the fact that the petitioner was paid increment w.e.f 1998 not from 1.1.1996 as claimed by the petitioner, the present writ application is disposed of with direction to the respondent to examine the claim of the petitioner in the light of the judgment of the Coordinate Bench in C.W.J.C. No.15136 of 2010 dated 15.11.2016 and if it is found that the case of the petitioner is similar to the case of petitioners of C.W.J.C. No.15136 of 2010 dated 15.11.2016 Similar benefits should be extended to the petitioner. Final decision may be taken by the respondent within the maximum period of three months from the date of receipt/production of a copy of this order.

The other grievance with regard to leave encashment may be considered by the University within the time frame indicated hereinabove and appropriate order may be passed by the University on the claim of petitioner for grant of leave encashment while passing order the respondent has to see that the petitioner cannot be discriminated in the matter of grant of leave encashment same standard should be applicable in the case of petitioner and if it is found that the petitioner was entitled to such payment of leave encashment then recovery was



wrongly made from the petitioner. Accordingly, respondent may after verification of the claim may restored the amount recovered from the petitioner within the further period of two months from the date of such decision.

With the aforesaid the wit application stands disposed of.

(Anil Kumar Upadhyay, J)

Banti/ T.Kr.

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