

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9804 of 2014**

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Braj Nath Prasad S/o Late Ram Bilash Rai Resident of Village Ushari  
(Khurd), P.O. Neora, P.S. Sahpur, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Higher Education, Government of Bihar, Patna.
2. The Magadh University, Bodh Gaya through its Registrar.
3. The Vice Chancellor, Magadh University, Bodh Gaya.
4. The Registrar, Magadh University, Bodh Gaya.
5. The Finance Officer, Magadh University, Bodh Gaya.
6. The Principal, J.N.L. College, Khagaul, P.O. + P.S. Khagaul, District Patna.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|----------------------------------|
| For the Petitioner/s | : | Mr. Abhya Kumar, Advocate        |
| For the University   | : | Mr. Arbind Nath Prasad, Advocate |
| For the Respondent/s | : | Mr. R.R. K Pandey                |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

7      13-08-2018                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State as well as University.

Learned counsel for the petitioner submits that  
petitioner has received the arrears of salary from July, 2014  
onwards, but he was not paid arrears of salary from March 2012  
to June, 2014.

Learned counsel for the petitioner submits that from  
the averments of the principal of the college it is admitted that  
the payment was not paid due to non-allocation of the fund. In  
the matter of payment of salary it is the responsibility of the  
State as well as the responsibility of the University to ensure the



payment of salary. Primarily, State has to provide fund and the Univeristy is required to allocate that fund for teaching and non-teaching employees of the constituent of the college. If it is admitted by the respondent that is arrears of salary from March, 2012 to June, 2014 is payable to the petitioner then the University will ensure payment and if the fund available are not adequate the Univesity may raise a demand from the State Government for release of additional fund and the State is under obligation to to release additional fund for discharge of its duty under the Bihar State University Act.

Entire exercise in this regard may be completed by the respondent 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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