

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12316 of 2014

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1. Prof. Sheo Shankar Singh Son of Late Rajendra Prasad Singh resident of village- Bhagwatpur, P.S.- Chandi (Koilwar), District- Bhojpur.
 2. Dr. Anwar Imam Son of Late Ali Imam resident of At+ P.O.- Koilwar, Mohalla Paithan Toli, P.S- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Chancellor of Universities of Bihar, Raj Bhawan, Patna
3. Veer Kunwar Singh University, Ara through its Registrar.
4. Vice Chancellor, Veer Kunwar Singh University, Ara.
5. Registrar, Veer Kunwar Singh University, Ara

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Advocate
		Mr. Ujjawal Bhushan, Advocate
For the Respondent/s	:	Mr. Gp13- Naseem Yahya
For the University	:	Mr. Rajesh Prasad Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 02-08-2018

Heard learned counsel for the petitioner and the
counsel appearing on behalf of the University.

2. Petitioners are aggrieved by the order dated
05.06.2014 issued by the Governor's Secretariat, Patna whereby
the University was directed not to make payment on the
principle of no work no pay.

3. The issue raised in the present writ application is
no more res integra. In fact, the Division Bench of this Court in
LPA No. 1436 of 2015 has held out that the University cannot
deny salary of the substantive post on account of the fact that



posting of Vice-Chancellor and Pro Vice-Chancellor was stayed by the Apex Court and after stay on the working of incumbents as Vice-Chancellor and Pro Vice-Chancellor when they have reported for their joining on the substantive post, they were not allowed to work. The Division Bench of this court further held out that the incumbents are entitled to payment of salary for the period they were not allowed to work on the substantive post after order of stay on the working of the incumbents as Vice-Chancellor and Pro Vice-Chancellor.

5. In the present case, vide Annexure-5 on submission of joining of the petitioners in the Veer Kunwar University after stay order was passed by the Apex Court, the University instead of allowing these petitioners to join on their respective post of Principle of the constituent college and Examination of Controller in the same University, they sought guideline from the office of the Chancellor and office of the Chancellor vide Annexure-14 has directed that no payment should be made to the individual whose appointment as Vice-Chancellor and Pro vice-chancellor was stayed by the Apex Court on the ground of no work no pay.

6. The principle of no work no pay apply in a case where individual has voluntarily not worked or discharged the



responsibility, it will not apply in a case where individual was restrained from functioning the duty and as such the Court has no hesitation in holding that principle of no work no pay is not applicable in this case. Accordingly, the order contained in Annexure-14 dated 5.6.2014 is quashed.

6. So far as these petitioners are concerned, respondents are hereby directed to work out the entitlement of the petitioners for payment of salary for the period February, 2013 to August, 2013 and also ensure payment of salary for the aforesaid period within a maximum period of four months from the date of receipt/production of a copy of this order.

7. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.08.2018
Transmission Date	

