

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12827 of 2014

Dr. Prof. Chandra Bhushan Singh, son of late Bal Krishna Singh, resident of village Baurahi, P.S. Dhanarua, District-Patna presently postal address c/o B.B.S. Chauhan, Q.No. 158, Road No.1 G.A.P. Colony, Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Higher Education Department, Govt. of Bihar, Patna High Court
2. The Veer Kuwar Singh University, through the Registrar, Veer Kuwar Singh Universities, Ara
3. The Vice-Chancellor, Veer Kuwar Singh University, Ara
4. The Finance Officer, Veer Kuwar Singh University, Ara.
5. The Principal, Gram Bharti College, Ramgarh, Kaimur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sita Ram Sharan, Advocate
For the Respondent/s	:	Mr. Apurva Kumar, AC to GA-4
For the University	:	Mr. Rajesh Kumar Choudhary, Advocate
		Mrs. Nutan Sahay, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 21-08-2018 The issue involved in the present writ application is non-payment of difference of arrears of salary.

This writ petition was filed in the year 2014 but till date no counter affidavit was filed on behalf of the University.

In this case counter affidavit filed on behalf of the State which indicates that the college in question was made constituent in fourth phase. The counter affidavit further indicate that University is required to take decision in the light of judgment of the Apex Court in Civil Appeal No. 6098 of 1997.

From para-8 of the counter affidavit of the State, it



appears that the State Government has been regularly releasing fund to the University for making payment of salary and it is for the University to ensure payment to the petitioner. From the counter affidavit, it further appears that the University is accountable for non-payment of salary or refusal of payment of salary as State has already allocated the adequate fund and also additional fund for payment of arrears of salary and current salary as well as pension to the Universities of State.

In the absence of the counter affidavit of the University, the Court is constrained to dispose of the writ petition with direction to the University to examine the claim of the petitioner and if it is found that the petitioner was validly absorbed as an employee of the fourth constituent college or his case is covered by the decision of this court in C.W.J.C. No. 17670 of 2017 dated 17.7.2018 then University may ensure payment of the arrears of salary/difference of salary, if not already paid to the petitioner within a 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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