

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15866 of 2012

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Yogendra Prasad Yadav S/O Sri Tareshwar Prasad R/O Village- Badi Badalpura, P.O. & P.S.- Khagaul, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Human Resources Development Department, Government Of Bihar, Patna
2. The Magadh University, Bodh Gaya, Through The Registrar Magadh University, Bodh Gaya
3. The Vice Chancellor, Magadh University, Bodh Gaya
4. The Registrar, Magadh University, Bodh Gaya
5. The Principal, J.N.L. College, Khagaul, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhya Kumar, Advocate
For the Respondent/s	:	Mr. Manoj Kr. Ambastha, Advocate
For Magadh University	:	Dr. Kumar Amitesh Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 13-08-2018 Heard learned counsel for the petitioner and the counsel appearing on behalf of the State as well as University.

The present writ application was filed in 2012 and even after expiry of six years, no counter affidavit has been filed on behalf of the University.

Under the aforesaid circumstances, the Court is constrained to dispose of the writ petition with direction to the respondents to pass appropriate order with regard to claim of the petitioner for payment of salary as mentioned in para-10 to 11 of the writ petition which is reproduced hereinbelow:-

“10.That the respondents even after quashing the suspension order by the Hon’ble High



Court for the period 28.11.2007 to 17.03.2008 (3 months 20 days) and for the period 14.09.2008 to 15.11.2009 (14 months 2 days) total for the period 17 months 22 days, has not paid the salary for the aforementioned period arbitrarily.

11. That after 15.11.2009 the respondents have paid only current salary up to February 2010 and from March 2010 they started to make adhoc payment approx Rs. 8, 500/- per month without any valid reason till February, 2012 and thereafter the respondent stopped the current salary of the petitioner from March 2012 without any valid reason.”

The University is also directed to verify the record and pass appropriate order with regard to entitlement and payment of arrears for the aforesaid period as subsequently the petitioner has been paid current salary up to February, 2010 and also take decision on the claim of the petitioner as mentioned in para-10 and 11 of the writ petition quoted hereinabove 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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