

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9488 of 2015

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Dr. (Prof.) Ramesh Jha S/o late Pt Krishna Jha resident of 4D, Adarsh Nagar, p.s
Samastipur , District Samastipur, Presently posted as University Professor in the
subject of Sanskrit , B.R.B. College, Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Vice-Chancellor, L.N. Mithila University , Kameshwar Nagar , Darbhanga.
4. The Registrar, Lalit Narayan Mithila University , kameshwar Nagar , Darbhanga.
5. The Finance officer, Lalit Narayan Mithila University , kameshwar Nagar ,
Darbhanga.
6. The Principal , B.R.B. College, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 24-08-2018

Heard learned counsel for the petitioner; State and L.

N. Mithila University (hereinafter referred to as the ‘University’).

2. The petitioner has moved the Court for the
following reliefs:

*“(I) For issuance of an appropriate writ in the
nature of Mandamus commanding and
directing the respondent to make payment the
difference of arrear of salary for the period
30.01.96 to 31.12.2005 on account of
promotion to the post of Reader to University*



Professor in view of revised UGC scale effective from 1.1.1996 and difference of arrears of salary for the period of 01.01.2006 till December 2014 on account of promotion and revision of pay scale effective from 01.01.2006 including admissible D.A. H.R.A. and Medical allowance on revised pay point at relevant time which has not been paid to the petitioner.

(ii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

3. The only controversy which remains is with regard to D.A. and H.R.A. By various orders and also the State officials appearing before the Court, finally, the position which emerges, is that there is a categorical stand on behalf of the State that other Universities have been paying such dues to the employees and only L. N. Mithila University has raised this bogey and, thus, the onus is on the University to pay the amount to its employees without any State involvement. Learned counsel for the State submitted that they have been releasing sufficient funds to make payment and for which no separate fund especially earmarked for these two heads is required. It has further been clarified that the University paying it to



its employees shall not be taken adversely by the State. In view of the stand taken before the court today by learned counsel for the State, it is not deemed necessary to keep the writ petition pending.

4. Learned counsel for the University took a categorical stand that they shall make the payment of such dues to the petitioner within two months from today. Learned counsel for the State submitted that necessary funds, as may be required, shall be released to the University expeditiously.

5. In view of the position which emerges, the writ petition stands disposed off in light of the stand of the State Government and that of learned counsel for the University with regard to making payment to the petitioner.

6. The Court would only indicate that as the order has been passed on the stand taken by learned counsel for the University and State itself, if any violation of the same is brought to the notice of the Court, the same shall be taken seriously.

(Ahsanuddin Amanullah, J)

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