

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15966 of 2012

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Indumati Pathak W/O Professor Balram Mishra R/O A-1, Tapovan,
Teriamment, Behind Nuclear Park, Opp. Yash Campus, Barodara, Gujrat

... .. Petitioner/S

Versus

1. The State Of Bihar Through Secretary, Null Government Of Bihar,
Department Of Human Resources Development, Patna
2. Vice Chancellor, Veer Kunwar Singh University, Arrah, Bihar
3. The Registrar, Veer Kunwar Singh University, Ara, Bihar
4. Finance Officer, Veer Kunwar Singh University, Ara, Bihar
5. The Secretary, University Grant Commission, 35 Firojshah Road Jnu
Building, New Delhi

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nirbhay Prashant
For the State	:	Mr. Harish Kumar, GP 8
For the University	:	Mr. Rajesh Prasad Choudhary

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 09-10-2018

Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel representing the respondent-Veer
Kunwar Singh University.

2. During the pendency of the present writ petition the
original petitioner died. Learned counsel for the petitioner submits
that he has tried his level best to contact the family members of the
original petitioner but failed.

3. The writ petition was filed by the petitioner for
direction to the respondents with regard to arrears of salary in the
revised pay scale from 1.1.2006 and finalization of the grant of



promotion to the petitioner. The petitioner retired on 31st July, 2009. Thereafter she filed the present writ petition. Unfortunately, before getting her dues she left for heavenly abode.

4. In so far as payment of difference in arrears with effect from 1.1.2006 to 31st July, 2009 are concerned, the University is to ensure payment of the arrears to all the teachers in terms of pay revision and in the instant case after death of the original petitioner, the University is under obligation to ensure payment to the heirs of the original petitioner. In so far as the other grievance with regard to consideration and grant of promotion as Professor with effect from 1995 is concerned, the Court in the peculiar facts of the case, grants liberty to the heirs of the petitioner to agitate the matter before the Vice-Chancellor of the University and the Vice-Chancellor of the University shall be under obligation to enquire whether the original petitioner was entitled for grant of such promotion and if it is held out that she was entitled to grant of such promotion, the Vice-Chancellor is to ensure grant of all consequential benefits of such promotion to the original petitioner. Decision in the matter of grant of arrears of salary on revision of pay scale with effect from 1.1.2006 till 31.7.2009 and the claim with regard to grant of promotion may be



taken by the respondent-University within a period of two months from the date of receipt/production of a copy of this order.

5. This order has been passed in view of the fact that in the matter of money claim right to sue survives and due to communication-gap if the heirs are not substituted that will not disentitle the heirs to claim monetary benefits which is otherwise permissible in law.

6. The writ petition stands disposed of accordingly.

(Anil Kumar Upadhyay, J)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
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