

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5818 of 2018

=====

1. Dr. Sushil Kumar Singh S/o Sri Madan Mohan Singh R/o South of Exchange Office, Vidyapati Nagar, Ward No. 19/20, PO + PS + Town + District Saharsa, presently working as Associate Professor, Deptt. of Political Science Department, S.N.S.R.K.S. College, Saharsa, P.S. & Distt. - Saharsa.

.... Petitioner/s

Versus

1. The B. N. Mandal University, Madhepura, through Its Registrar.
2. The Vice-Chancellor, B.N.Mandal University, Madhepura.
3. The Financial Advisor, B.N. Mandal University, Madhepura.
4. The Registrar, B.N. Mandal University, Madhepura.
5. The Finance Officer, B.N. Mandal University, Madhepura.
6. The Principal, S.N.S.R.K.S. College, Saharsa, P.S. & District - Saharsa.
7. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
8. The Director, Higher Education Department, Govt. of Bihar, Patna.
9. The Pay Verification Cell, Department of Education, Bihar State Text Book Publishing Corporation Ltd. Campus, Budha Marg, Patna through its Authorised Officer.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Avanindra Kumar Jha
For the Respondent/s : Mr. Kameshwar Kumar-Gp17

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 20-04-2018 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the University as well as the State.

Many issues have been raised in the present writ application. So far as the claim of the petitioner that whatever is determined by Justice Aggrawal Commission as date of appointment, that cannot be open to any alteration or change by the State or the University as the same. Stands concluded by a judgment of this Court in CWJC No. 21232 of 2014 dated 27.06.2015.



In view of the conclusive report of Justice Aggrawal Commission, the respondent are obliged to accept the date of appointment of the petitioner in terms of the report of Justice Aggrawal Commission which was approved by the Apex Court in the Judgment reported in (2005)9 SCC 129.

The second grievances with regard to the jurisdiction of determination of entitlement by the Pay verification cell is concerned, this issue is no more res integra and in any view of the matter, the respondents cannot alter the entitlement which accrued to the petitioner in terms of the report of Justice Aggrawal Commission.

Referring to the claim of the petitioner for payment of arrears, the Court on the basis of Annexure-11 onwards is of the view that it is domain of the university to calculate the entitlement of arrears of the petitioner and university cannot keep the matter pending for years together. In the aforesaid circumstances, the respondent university is directed to calculate the entitlement of petitioner for payment of arrears in accordance to law and in the light of the observation made hereinabove within a maximum period of 60 days from the date of receipt of production of a copy of this order and shall ensure payment of the same within a further period of one month. In the event, the university is in financial difficulty in making payment of the arrears, the university is required to raise demand from the State Government



by enclosing utility certificate of the use of fund granted earlier by the State. In the event, such demand are raised by the university along with the utilization certificate for utilization of the fund, the State has to provide the additional fund for payment of the dues of the petitioner in case of inadequate fund, so that the payment of the petitioner and alike are made within the time frame indicated hereinabove. The Court is not inclined to grant interest on payment of dues in the facts and circumstances of the case. However, if the respondent does not make payment of the dues in the time frame indicated hereinabove, the university authorities shall be liable to pay interest @ 9 per cent from the date of filing of the writ application till the date of actual payment and interest component shall be paid by the officers concerned responsible for delay in payment and the Vice-Chancellor of the University will determine liability of the officers concerned responsible for delay and realize the interest from their pocket.

With the aforesaid direction, this writ petition is disposed of.

Sanjeev/-

(Anil Kumar Upadhyay, J)

U			
---	--	--	--

