

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3287 of 2018

(Dr.) Bijendra Narain Sinha, Son of late Bikramdeo Narain Sinha, Associate Professor, Department of Mathematics, M.L.S.M. College Darbhanga P.S. & District-Darbhangha. Petitioner/s

Versus

1. State of Bihar through the Chief Secretary Government of Bihar Patna.
2. The Principal Secretary, Human Resources Development Department Government of Bihar, Patna.
3. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga through its Registrar
4. Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. Registrar, Lalit Narayn Mithila University Mithila University Kameshwar Nagar, Darbhanga.
6. Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar Darbhanga.
7. Principal M.L.S.M. College Darbhanga. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Binodanand Mishra, Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar-GP17
For the L.N.M.U.	:	Mr. Md. Nadim Seraj, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-03-2018 Heard learned counsel for the petitioner and the counsel appearing on behalf of the State as well as learned counsel for the University.

Learned counsel for the petitioner submits that the issue with regard to entitlement of the petitioner for payment of arrears is no more res-integra. In fact, a coordinate bench of this court in C.W.J.C. No. 5331 of 2010 vide order dated 12.10.2010, has already examined the entitlement of similarly circumstanced teachers of University and has issued direction for payment of arrears within a time frame of fifteen days and, as such, he submits that the present writ application is also covered by the principle laid down by the coordinate Bench in



C.W.J.C. No. 5331 of 2010.

It is submitted that the present writ application may be disposed of with a direction to the Lalit Narayan Mithila University Darbhanga to take final decision with regard to the entitlement of the petitioner for payment of arrears in the light of decision of the coordinate Bench in C.W.J.C. No. 5331 of 2010 vide order, dated 12.10.2010.

Without expressing any opinion on the claim of the petitioner as to the similarity with the case of the petitioner in C.W.J.C. No. 5331 of 2010 for deciding the entitlement of the petitioner for payment of arrears, the writ application is disposed of with the direction to the respondents to examine the claim of the petitioner in the light of the decision of this court in C.W.J.C. No. 5331 of 2010 as the principle decided by this Court is applicable to all the Universities of the State of Bihar and the respondents cannot take a different view for considering the entitlement of the teachers of the Universities. In the event the respondents find the case of the petitioner similar to that of petitioner(s) of C.W.J.C. No. 5331 of 2010, they are required to pass appropriate order extending the same benefit to this petitioner also.

Ravi/-

(Anil Kumar Upadhyay, J)

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