

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2333 of 2016

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Dr. Jagdeo Prasad Yadav, Son of late Shital Prasad Yadav, resident of Trimuti Niwas, Ward no. 1, Madhepura, District- Madhepura.

.... Petitioner/s

Versus

1. Bhupendra Narayan Mandal University, Madhepura through its Registrar
2. The Vice Chancellor, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
3. The Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura,
4. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
5. Principal Secretary Department of Human Resources Development, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binodanand Mishra, Advocate
For the Respondent/s : Mr. Manoj Kumar Sinha, AC to GA-9
For the University : Mr. Raju Giri, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 06-03-2018

Heard learned counsel for the petitioner, University and State.

2. The grievance of the petitioner in the present writ application pertains to payment of arrears of difference of salary on the post of Associate Professor w.e.f. 20.07.1999.

3. On behalf of the State, a counter affidavit was filed, wherein in para 10 to 15 stand was taken that the claim of the petitioner is to be redressed by the B.N. Mandal University, Madhepura and the University is required to take a final decision with regard to the payment of arrears of difference of salary. The relevant



part of the counter affidavit of the State made in para 10 to 15 are quoted herein below:

“10. That by the notification dated 08.04.2015 issued by the order of the Vice Chancellor of B.N.M. University, the petitioner was promoted to the post of Reader under the Merit Promotion Scheme with effect from 20.07.1999 on the prescribed scale of pay Rs.12000 – 18300/- with all admissible allowance as per provision of the Act and statutes.

11. That it appears from the statement made in the writ application, that the pay verification cell of the Education Department, State of Bihar, verified the pay scale of the petitioner by the Annexure-6 of the writ application.

12. That the petitioner has filed representation before the B. N. Mandal University, Laloo Nagar, Madhepura, as contained in Annexure 5 and 7 of the writ application which has to be decided by the respondent-University.

13. That it is stated here that time to time in respect of due payment of salary, arrears of pension etc., sufficient amount has been given to the University by the State of Bihar.

14. That in the financial year 2015-2016 an amount of Rs.152,29,36,326 (One hundred fifty two crores, twenty nine lakh thirty six thousand, three hundred and twenty six rupees) has been sanctioned and given to the Universities for payment of due salary, gratuity, pension etc. and in this regard on 16.07.2015 a letter/ notification has been issued by



the Joint Secretary, Education Department, Govt. of Bihar.

15. That respondent-University has to look into the matter and he has to make admissible payment after verification of records in accordance with law.”

4. On behalf of the respondent University stand was taken that on receipt of demand enclosed with the writ petition, Director, Higher Education has already been requested to give grant of Rs.35,00,026/- for payment to the petitioner vide letter dated 16.11.2017 followed by letter dated 30.01.2018. In para 4 and 5 stand was taken that a Departmental Enquiry Committee was conducted regarding the promotion of the petitioner on the basis of complaint.

5. Considering the facts and circumstances indicated hereinabove, the writ application is disposed of with a direction to the respondent University to expedite the enquiry pertaining to legality and validity of the promotion of the petitioner and in any event final decision at the level of the University must be taken within a period of three months from the date of receipt/production of a copy of this order.

6. In the event, the promotion of the petitioner is found to be legal and valid, the University is required to ensure payment of arrears of difference of salary within a further period of one month.



7. It is needless to state here that the State Government has to release the fund for payment of entire financial obligation towards the lawful dues of the teaching and non-teaching employees of the University.

8. From the stand of the State, it appears that the State Government has released the fund in 2015, but the counter affidavit is silent on the point whether the University was provided the necessary fund for meeting the obligation of payment of salary and arrears after 2015 or not. If the University raises a demand for allocation of fund to liquidate the liability of the University for payment of salary, arrears and current, the Director, Higher Education is required to see it and allocate the necessary fund to the University for payment of lawful dues of the teaching and non-teaching employee including the petitioner within the time frame, as indicated hereinabove.

9. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.03.2018
Transmission Date	

