

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8019 of 2017

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1. Nand Kumar, son of Shri Bachchan Singh, Resident of Guru Kripa Nagar, P.O.- Khabra, P.S.- Sadar, District- Muzaffarpur.
 2. Munna Choudhary, son of Shri Ashok Kumar Choudhary, Resident of Prabhat Nagar, Nazirpur, P.O.- Sheikhpur, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. B.R. Ambekdar Bihar University, Muzaffarpur through its Registrar
3. Vice Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur.
4. Registrar, B.R. Ambedkar Bihar University, Muzaffarpur.
5. Dr. Jagannath Mishra College, Muzaffarpur through its Secretary.
6. Principal, Dr. Jagannath Mishra College, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava Mr. Ujjawal Bhushan Mr. Raushan
For the Respondent/s	:	Mr. A.R. Pandey- AAG-15 Mr. Prabhat Ranjan Singh, AC to AAG-15
For the B.R.A. Bihar University	:	Mr. Rakesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 23-04-2018

The petitioners are non-teaching employees of Dr. Jagannath Mishra College, Muzaffarpur, which is affiliated to B. R. A. Bihar University, Muzaffarpur.

This is not in dispute that the college is governed by the policy of the State Government, whereunder grants are provided to affiliated colleges according to performance of their students in various examinations.

The grievance of the petitioners is that the grant, which is made available to the college by the State Government for the purpose of payment of salary to the teaching and non-



teaching employees of the college, is being arbitrarily distributed among teaching and non-teaching employees, in the absence of any guideline. It is their case that the major part of the grant (approximately 82 per cent) is used for payment of salary to the teaching employees of the college; whereas, a meagre 18 per cent is being spent for payment to the non-teaching employees.

This is the background in which this writ application has been filed seeking a direction to the respondent authorities under the Education Department of the State Government to lay down uniform guidelines and modalities with respect to the manner in which grants allocated by the State Government to the University are to be distributed.

A counter affidavit has been filed on behalf of the State of Bihar, stating therein that the State Government provides grants to the affiliated colleges through the University and, therefore, it is the University which is competent to ensure due payment out of the grants provided by the State Government to validly and legally appointed teaching and non-teaching employees. It has also been stated that the University has directed the Principals of the affiliated colleges that the grants provided by the State Government to the affiliated colleges be disbursed taking into account the initial pay scale prescribed for different categories of teaching and non-teaching employees.



The stand, which has been by the State Government, is not convincing. The State Government is releasing substantial amount for payment to teaching and non-teaching employees of the affiliated colleges in the State of Bihar. The Court has experienced on the basis of various cases reaching this Court that there is scope of genuine grievance of arbitrary distribution of the fund released by the State Government. This is primarily because there is no definite formula/guideline for payment to the employees, both teaching and non-teaching, of the affiliated colleges.

In such view of the matter, I dispose of the writ application with a direction to the Principal Secretary, Education Department, Government of Bihar, to ensure that definite and uniform guidelines are issued to all the Universities for distribution of the grants-in-aid among teaching and non-teaching employees in scientific and equitable manner within a period of three months from the date of receipt/production of a copy of this order.

(Chakradhari Sharan Singh, J)

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