

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19910 of 2014

Dr. Snehlata Srivastava, Daughter of Late Kunj Bihari Verma, Chotte Badalpura, Baulipar, P.O.+P.S.- Khagaul, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Higher Education, Government of Bihar, Patna
4. Magadh University, Bodh Gaya through its Registrar
5. The Vice-Chancellor, Magadh University, Bodh Gaya, District- Gaya
6. The Registrar, Magadh University, Bodh Gaya, District- Gaya
7. The Principal, J.N.L. College, Khagaul, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Advocate
For the Respondent/s	:	Mr. Kamleshwar Kumar, GP-17
For University	:	Mr. Shivendra Kishore, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 08-08-2018 Heard learned counsel for the petitioner and the counsel appearing on behalf of the State as well as counsel appearing on behalf of the University.

The grievance of the petitioner in the present writ petition is non-payment of salary for certain period despite leave was sanctioned and further grievance of the petitioner is that petitioner was not paid allowances admissible to the post on which petitioner has worked and was promoted by the respondents.

Learned counsel for the petitioner submits that petitioner has superannuated in Sept. 2016. He submits that



petitioner was granted leave by the Syndicate for the period 1.3.1996 to 31.8.1996 as commuted leave and from 1.9.1996 to 30.6.99 as extraordinary leave.

On behalf of the University Mr. Shivendra Kishore, learned Sr. Counsel submits with reference to para-6 and 7 submits that petitioner was absent from 1.7.99 to 14.02.2001 and the leave for that period was not sanctioned and as such petitioner is not entitled for payment of salary for the aforesaid period. This fact has been disputed by the learned counsel for the petitioner.

Para-6 and 7 reads as follows:-

6.That as reported by the Principal the petitioner is absent w.e.f. 1.3.1996 to 30.6.99 which has been granted by the University (Annexure-12 of the writ petition).

7.That as stated by the present Principal she is absent w.e.f. 01.12.95 to 29.02.96 prior to 01.03.96 and 01.7.99 to 14.0.2001 after 30.06.99 these are not sanctioned because neither college nor the candidate informed the office but A.G. Auditor while Audit found it and the matter came into light by the present Principal. The above unsanctioned duration of unauthorized leave was kept hidden in the eye of college/University/Govt. Offices, by the petitioner herself, she cunning managed to get her P.V.C. done at the end of Govt. Office.



Learned counsel appearing on behalf of the University admits that petitioner is entitled to payment of salary for the period petitioner has worked or leave was sanctioned by the University. He also admits that the University has not taken any decision reviewing the promotion granted to the petitioner, therefore, the petitioner would be entitled to the benefit of promotion granted by the University.

Under the aforesaid circumstances, the writ petition is disposed of with direction to the University to work out entitlement of the petitioner for grant of regular pay with all admissible allowances and pay difference of arrears after adjusting ad hoc payment made to the petitioner till the date of superannuation in September, 2016.

Learned counsel for the petitioner submits that the Auditor has verified the entitlement of the petitioner and found that the salary payable to the petitioner is Rs. 1,32,528/-.

Under the aforesaid circumstances, the University is directed to work out the entitlement of the petitioner for payment of difference of salary of the original post and promotional post by adjusting ad hoc payment made to the petitioner.

The entire exercise as per calculation for payment of



arrears of salary may be worked out by the University within a maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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