

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2161 of 2018

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Sheela Kumari, Wife of A.K. Srivastav, Resident of Village/Mohalla-Madhav
Bihari Lane, Ganga Singh College Road, Salempur, Chapra, P.O.-Chapra, P.S.-
Chapra, District-Chapra.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Vikash
Bhawan, Patna.
3. Jai Prakash University, Chapra, through its Registrar, District-Chapra.
4. The Vice-Chancellor, Jai Prakash University, Chapra, District-Chapra.
5. The Registrar, Jai Prakash University, Chapra, District-Chapra.
6. B.R.A. Bihar University, Muzaffarpur, through its Registrar, District-
Muzaffarpur.
7. The Registrar, B.R.A. Bihar University, Muzaffarpur.
8. The Vice-Chancellor, B.R.A. Bihar University, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shubh Narain Singh, Advocate
For the B.R.A. Bihar University	:	Mr. Nikhil Kumar Agarwal, Advocate
For the J.P. University	:	Mr. Nagendra Kumar Singh, Advocate
For the State	:	Mr. Umesh Narayan Dubey, A.C. to G.P. 27

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 17-09-2018

Heard learned counsel for the petitioner; State: B.R.A.

Bihar University and J.P. University.

2. Supplementary counter affidavit has been filed on
behalf of respondents no. 3 to 5.

3. In terms of the agreement between the B.R.A. Bihar
University and J.P. University, the Registrars of the Universities had
held a meeting on 16.09.2018, with regard to apportionment of their



share relating to payment to persons who had spent time both under the B.R.A. Bihar University and J.P. University. Pursuant to the same, a decision has been taken that for the present, Rs. 50 lakhs would be transferred by the B.R.A. Bihar University to J.P. University, which shall make payment for the period the employee was working under the undivided B.R.A. Bihar University.

4. The said agreement/resolution of the proceedings dated 16.02.2018, have been brought on record as an Annexure to the supplementary counter affidavit filed today.

5. In the case of the petitioner, learned counsel for the J.P. University submitted that they have paid the amount even for the B.R.A. Bihar University but after verification, it has transpired that the petitioner has been paid an excess of Rs. 5,42,000/- for which a show cause notice has been issued to him asking as to why it should not be recovered.

6. Learned counsel for the petitioner submitted that though promotion has been granted to the petitioner but the effective date has been wrongly taken into consideration by the University and, thus, there is no question of any excess payment made.

7. Be that as it may, since a show cause has been issued and that too relating to a matter of promotion, which is not a retiral benefit matter, the petitioner shall now be at liberty to take recourse



under law before the appropriate forum, including replying to the show cause and showing it to the University concerned with regard to the error committed by them in their calculation.

8. Accordingly, the writ petition stands disposed off with liberty to the petitioner to move before the authorities concerned, in accordance with law, with regard to satisfying them relating to there being no excess payment made to the petitioner.

(Ahsanuddin Amanullah, J.)

P. Kumar

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