

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1477 of 2015

In

Civil Writ Jurisdiction Case No.10509 of 2014

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1. Dr. Ramesh Kumar Son of Late Jagdish Thakur Reader, Department of Botany, Parvati Science College, Madhepura, P.S.+ District - Madhepura
 2. Dr. Bindeshwari Pd. Yadav, Son of Late Darwari Yadav, Reader Deptt of Physics, Parvati Science College, Madhepura, P.S.+ District - Madhepura
 3. Dr. Sitaram Sharma Son of Late Sarup Sharma Reader, Department of Hindi, Parvati Science College, Madhepura, P.S.+ District - Madhepura
 4. Sri Sadanand Yadav Son of Late Guneshwar Yadav Reader, Department of Maithili, Parvati Science College, Madhepura, P.S.+ District - Madhepura
 5. Dr. Deep Narayan Yadav Son of Late Parmeshwar Yadav, Reader, Deptt of Commerce, Parvati Science College, Madhepura, P.S.+ District - Madhepura
 6. Dr. Dhanajay Prasad Sinha Son of Late S.P. Yadav Reader, Deptt of Sociology, Parvati Science College, Madhepura, P.S.+ District - Madhepura
 7. Sri Rajendra Prasad Sah 'Ranjan' Son of Late B. Sah, Reader, Deptt of Psychology, Parvati Science College, Madhepura, P.S.+ District - Madhepura

... .. Petitioner/s

Versus

1. The B.N.mandal University, Madhepura, through the Registrar, namely Dr. Kumaresh Prasad Singh null null
2. The Vice Chancellor, B.N. Mandal University, Madhepura, namely Dr. Binod Kumar
3. The Registrar, B.N. Mandal University, Madhepura, namely Dr. K.P. Singh
4. The Finance Officer, B.N. Mandal University, Madhepura, namely Dr. Harikesh Prasad Singh
5. The State of Bihar, through the Principal Secretary, Educatio Department Govt. of Bihar, Patna, namely Mr. R.K. Mahajan, I.A.S.
6. The Director, Higher Education Department, Govt. of Bihar, Patn namely Dr. S.M. Karim
7. The Pay-Verification Cell, Education Department, Govt. of Bihar, Patn through its Authorised Officer, namely Mr. Anil Kumar
8. The Principal Parvati Science College, Madhepura, District - Madhepura, Dr. Rajiv Kumar Sinha

... .. Respondent/s

with

Miscellaneous Jurisdiction Case No. 1538 of 2015

In

Civil Writ Jurisdiction Case No.10750 of 2014



1. Dr. Dinesh Yadav Son of Sri P. Yadav, Reader, Department of Zoology, T.P. College, Madhepura, P.S. + District- Madhepura
2. Dr. Kapildeo Prasad, son of Late J.N. Yadav, Reader, Department of Botany, T.P. College, Madhepura, P.S. + District- Madhepura
3. Sri Rajeshwar Pd. 'Rajesh', son of Late B.P. Yadav, Reader, Department of Psychology, T.P. College, Madhepura, P.S. & District- Madhepura

... .. Petitioner/s

Versus

1. The B.N. Mandal University, Madhepura, through its Registrar, namely Dr. Kamlesh Prasad Singh
2. The Vice-Chancellor, B.N. Mandal University, Madhepura, namely Dr. Binod Kumar
3. The Registrar, B.N. Mandal University, Madhepura, namely Dr. K.P. Singh
4. The Finance Officer, B.N. Mandal University, Madhepura, namely Dr. Harikesh Prasad Singh
5. The State of Bihar, through the Principal Secretary, Education Department, Govt. of Bihar, Patna, namely Mr. R.K. Mahajan, I.A.S.
6. The Director, Higher Education Department, Govt. of Bihar, Patna, namely Dr. S. M. Karim
7. The Pay-Verification Cell, Education Department, Govt. of Bihar, Patna through its Authorised Officer, namely Mr. Anil Kumar
8. The Principal, T.P. College, Madhepura, P.S. + District- Madhepura, Dr. H.L.S. Jauhari

... .. Respondent/s

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with

Miscellaneous Jurisdiction Case No. 1614 of 2015

In

Civil Writ Jurisdiction Case No.16736 of 2014

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Dr. Dinesh Sharma & Ors

... .. Petitioner/s

Versus

The Magadh University Gaya & Ors

... .. Respondent/s

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with

Miscellaneous Jurisdiction Case No. 1892 of 2015

In

Civil Writ Jurisdiction Case No.10701 of 2014

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1. Khadga Nath Mishra S/o Late Bal Krishna Mishra, Reader, Department of Mathematics, R.M. College, Saharsa, P.S. & Distt. - Saharsa
2. Dr. Kishore Nath Jha S/o Late Krishna Dutta Jha Reader, Department of Zoology, R.M. College, Saharsa, P.S. & Dist. - Saharsa



3. Dr. Sudha Bala D/o Late Indra Raj Kumar Reader, Department of Botany, R.M. College, Saharsa P.S. & Dist. - Saharsa
4. Dr. Kumud Kumari D/o Sri Surendra Mishra Reader, Department of Psychology, R.M. College, Saharsa, P.S. & Dist. - Saharsa
5. Dr. Anjana Pathak D/o Sri Ram Narayan Mishra Reader, Department of History, R. Jha Mahila College, Saharsa, P.S. & Dist. - Saharsa
6. Dr. Shashi Bhushan Thakur S/o Late Kritya Nand Thakur Reader, Deptt. Of Pol Science, R.M. College, Saharsa, P.S. & Dist. - Saharsa
7. Dr. Rajiv Kumar Jha S/o Late Lakhmeshwar Jha, Reader, Department of Chemistry, R.M. College, Saharsa, P.S. & Distt. - Saharsa
8. Dr. Bishnu Deo Choudhary S/o Late Dhani Choudhary Reader Department of Physics, R.M. College, Saharsa, P.S. & Distt. - Saharsa
9. Krishna Deo Poddar S/o Late Ganga Prasad Poddar Reader Deptt. of Economics, Marwari College, Kishanganj, P.S. & Distt. - Kishanganj

... .. Petitioner/s

Versus

1. The B.N.mandal University, Madhepura, through its Registrar, Namely Dr. Kumaresh Prasad Singh
2. Dr. Binod Kumar, Vice Chancellor, B.N. Mandal University, Madhepura
3. The Registrar, B.N. Mandal University, Madhepura, namely Dr. K.P. Singh
4. Dr. Harikesh Prasad Singh, F.O., B.N. Mandal University, Education, Madhepura
5. The State of Bihar, through the Principal Secretary, Education Department, Govt. of Bihar, Patna namely Mr. R.K. Mahajan, I.A.S.
6. Dr. S.M. Karim, Director, Higher Education, Govt. of Bihar, Patna
7. The Pay-Verification Cell, Education Department, Govt. of Bihar, Patna through its Authorised Officer, Namely Mr. Anil Kumar
8. The Principal, R.M. College, Saharsa, namely Dr. P.C. Khan

... .. Respondent/s

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with

Miscellaneous Jurisdiction Case No. 1933 of 2015

In

Civil Writ Jurisdiction Case No.16736 of 2014

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1. Dr. Kedar Nath Pandey & Ors Son of Late Ram Ekbal Padey Reader Department of Physics M.M. College Bikram Patna.
2. Dr. Praveen Kumar Singh, Son Sri Rajendra Prasad Singh Reader Department of Botany, K.S.M. College Aurangabad.
3. Dr. Raj Mani Singh Son of Late Kshatra Pal Singh Reader Department of Chemistry K.S.M. College Aurangabad
4. Dr. Uday Narain Singh Son of Late Ram Jee Singh Reader Department of Physics K.S.M. College Aurangabad.
5. Dr. Dina Nath Singh Son of Ram Chandra Singh Reader Department of Political Science K.S.M. College Aurangabad.



6. Dr. Shree Ram Yadav Son of Budhan Yadav Reader Department of Mathematics Ram Krishna Dwarika College Patna.

... .. Petitioner/s

Versus

1. The Magadh University Gaya through its Registrar namely Mr. Sushil Kumar Singh & Ors
2. The Vice-Chancellor, Magadh University Gaya Mr. Md. Istiak Ahmad
3. The Registrar Magadh University Gaya Mr. Sushil Kumar Singh
4. Mr. Devesh Prasad Sinha, the Finance Officer, Magadh University Gaya
5. The State of Bihar, through the Principal Secretary, Education Department, Govt. of Bihar, Patna namely Mr. R.K. Mahajan, I.A.S. null null
6. Dr. S.M. Karim, Director, Higher Education Govt. of Bihar, Patna
7. The Pay-Verification Cell, Education Department Govt of Bihar, Patna through its Authorised Officer, namely Mr. Anil Kumar.

... .. Respondent/s

with

Miscellaneous Jurisdiction Case No. 1874 of 2015

In

Civil Writ Jurisdiction Case No.10171 of 2014

Dr. Prabhu Kant Jha, Son of Sri Bibhuti Kant Jha, Reader, Department of Economics, K.B. Jha College, Katihar, Resident of Jahanpur, P.S.- Jokihat, District- Araria.

... .. Petitioner/s

Versus

1. The B.N.Mandal University, Madhepura, through its Registrar, namely Dr. Kumaresh Prasad Singh.
2. Dr. Binod Kumar, Vice-Chancellor, B.N. Mandal University, Madhepura.
3. The Registrar, B.N. Mandal University, Madhepura, namely Dr. K.P. Singh.
4. Dr. H.P. Singh, Finance Officer, B.N. Mandal University, Madhepura.
5. The State of Bihar, through the Principal Secretary, Education Department Govt. of Bihar, Patna namely Mr. R.K. Mahajan, I.A.S.
6. Dr. S.M. Karim, Director, Higher Education Deptt. Govt. of Bihar, Patna.
7. The Pay-Verification Cell, Education Department, Govt. of Bihar, Patna, through its Authorised Officer, namely Mr. Anil Kumar.
8. Mr. Md. Ekram, the Principal, K.B. Jha College, Katihar, Dist.- Katihar.

... .. Respondent/s

with

Miscellaneous Jurisdiction Case No. 2218 of 2015

In

Civil Writ Jurisdiction Case No.21232 of 2014

1. Ram Pravesh Rai Son of Late Jagadish Rai, Lecturer, Department of Zoology
2. Bechu Prasad Singh Son of Late Ram Devi Singh, Lecturer, Department of Political Science



3. Shio Prasanna Singh Son of Late Bishwanath Singh, Lecturer, Department of Philosophy
4. Ram Yatan Singh Son of Late Badri Singh, Lecturer, Department of Geography
5. Bikrama Singh Son of Late Baijnath Singh, Lecturer, Department of Mathematics
6. Kanhaiya Rai Son of Late Kundan Rai, Lecturer, Department of Economics
7. Sri Bhagwan Singh Son of Late Dharamraj Singh, Lecturer, Department of Hindi
8. Hriday Narain Singh Son of Late Jagropan Singh, Lecturer, Department of Political Science
9. Rambharat Singh Son of Ram Sihasan Singh Lecturer, Department of History
10. Nagendra Kumar Son of Gorakh Prasad Kashyap, Lecturer, Department of Commerce
11. Raj Kumar Prasad Son of Late Dukhi Prasad, Lecturer, Department of Commerce
12. Surya Bansh Singh Son of Late Ram Janam Singh, Lecturer, Department of Sociology
13. Haribansh Singh Son of Late Ram Pati Singh, Lecturer, Department of Economics
14. Birendra Prasad Singh Son of Ram Chandra Singh, Lecturer, Department of History
15. Muni Ram Singh Son of Late Bhagirathi Singh, Lecturer, Department of Philosophy
16. S.M. Sahabuddin @ S.M. Sabahuddin Son of Late S.M. Sayeaduddin, Lecturer, Department of Urdu
17. Kedar Nath Singh Son of Late Sahjanand Singh, Lecturer, Department of Hindi
18. Arun Kumar Sinha Son of Late Baldeo Prasad Sinha Lecturer, Department of Geography All in Shersha College, Sasaram, P.S. Town, District - Rohtas at Sasaram

... .. Petitioner/s

Versus

1. The State of Bihar through the Director (Higher Education), Bihar, Patna
2. Dr. Khalid Mirza, the Director (Higher Education), Bihar, Patna
3. The Veer Kunwar Singh University, Ara through its Registrar
4. Md. Azhar Hussain, The Vice - Chancellor, Veer Kunwar Singh University, Ara
5. Manoj Kumar, The Registrar, Veer Kunwar Singh University, Ara

... .. Respondent/s

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with

Miscellaneous Jurisdiction Case No. 55 of 2016
In
Civil Writ Jurisdiction Case No.10750 of 2014
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1. Dr. Pankaj Kumar, Son of Late N.K.P. Yadav, Reader, Department of Zoology, T.P. College, Madhepura, P.S. + District - Madhepura null
2. Sri Arvind Kumar Son of Late Y.P. Yadav, Reader, Deptt. of Zoology, B.N.M.V. College, Sahugarh, Madhepura, P.S. + District - Madhepura
3. Sri Shashi Bhushan S/o Late C.N. Yadav, Reader, Deptt. of Physics, B.N.M.V College, Sahugarh, Madhepura, P.S. & District - Madhepura
4. Dr. Mahendra Kumar Yadav Son of Late Sita Sharan Mandal, Reader, Department of Mathematics, B.N.M.V. College, Sahugarh, Madhepura, P.S. + District - Madhepura
5. Dr. Harinarayan Yadav Son of Sri Manti Pd. Yadav, Reader, Department of Economics, T.P. College, Madhepura, P.S. + District - Madhepura
6. Dr. Arjun Yadav Son of Late Moti Lal Yadav, Reader, Department of Psychology, L.N.M.S. College, Birpur, Madhepura, P.S. + District - Madhepura
7. Dr. Gajendra Kumar Son of Late B.P. Yadav, Reader, Department of History, T.P. College, Madhepura, P.S. + District - Madhepura
8. Dr. Radha Kant Das S/o Late S.N. Das, Reader, Department of Philosophy, B.N.M.V College, Sahugarh, Madhepura, P.S. + District - Madhepura
9. Sri Brajendra Prasad S/o Basudeo Prasad Yadav, Reader, Department of Political Science, B.N.M.V College, Sahugarh, Madhepura, P.S. + District - Madhepura
10. Dr. Kishor Kumar Singh Son of Late J.P. Singh, Reader, Department of Maithili, B.N.M.V College, Sahugarh, Madhepura, P.S. + District - Madhepura
11. Dr. Bhagwat Prasad Yadav Son of Late M.S. Yadav, Reader, Geography, PG Department of Geography B.N.M.U. Madhepura, P.S. + District - Madhepura
12. Dr. Ganesh Prasad Son of Late H.H. Bhagat, Reader, Department of Geography, University Department B.N.M.U. Madhepura, P.S. + District - Madhepura

... .. Petitioner/s

Versus

1. The B.N.Mandal University, Madhepura, through its Registrar namely Dr. Kumaresh Prasad Singh.
2. Dr. Binod Kumar, Vice - Chancellor, B.N.Mandal University, Madhepura
3. The Registrar, B.N.Mandal University, Madhepura, namely Dr. K.P. Singh
4. Dr. H.P. Singh, Finance Officer, B.N.Mandal University, Madhepura
5. The State of Bihar, through the Principal Secretary, Education Department, Government of Bihar, Patna, namely Mr. R.K. Mahajan, I.A.S.
6. Dr. S.M. Karim, Director, Higher Education Department, Govt. of Bihar, Patna
7. The Pay - Verification Cell, Education Department, Govt. of Bihar, Patna, through its Authorised Officer, namely Mr. Anil Kumar.
8. Dr. H.K. Mandal, Principal, B.N.M.V. College, Madhepura, P.S. + District - Madhepura



9. Dr. H.L.S. Jauhari, Principal, T.P. College, Madhepura, P.S. + District - Madhepura
10. Principal, L.N.M.S. College, Birpur, P.S.- Birpur, District- Supaul, namely Mr. B.D. Purvey.

... .. Respondent/s

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with

Miscellaneous Jurisdiction Case No. 83 of 2016

In

Civil Writ Jurisdiction Case No.2463 of 2015

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Dr. Pradip Chandra Jha S/o Late Lakshmi Narayan Jha, Reader, Deptt. of Economics M.L.T. College , Saharsa, P.S & Distt. - Saharsa.

... .. Petitioner/s

Versus

1. The B. N. Mandal University , Madhepura, through its Registrar namely Dr. Kumaresh Prasad Singh
2. The Vice-Chancellor, B.N. Mandal University, Madhepura, namely Dr. Binod Kumar
3. The Registrar, B.N. Mandal University, Madhepura, namely Dr. Kumaresh Prasad Singh
4. The Finance Officer, B.N. Mandal University, Madhepura, namely Dr. Hriresh Prasad Singh
5. The State of Bihar, through the Principal Secretary Education Department , Government of Bihar, Patna, namely Mr. R.K. Mahajan, I.A.S.
6. The Director, Higher Education Department, Govt. of Bihar, Patna, namely Dr. S.M. Karim null null
7. The Pay-Verification Cell, Education Department, Govt. of Bihar, Patna through its Authorised Officer, namely Mr. Anil Kumar
8. The Principal M.L.T. College, Saharsa, P.S & Distt. - Saharsa, namely Mr. Dr. K.P. Yadav

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Jha, Advocate
For the Respondent/s : Mr. S.Raza Ahmad, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 11-07-2018

All these contempt applications have been filed pointing out that orders passed in the writ petition have not been complied with.

Matters are pending since 2015 and from the show-



cause notices filed from time to time, the factual position that emerges as on date is that the date of initial absorption/appointment of the petitioners which was the subject matter of adjudication in the writ petition has been corrected and a notification has been issued by the Pay Verification Cell correcting the date of initial absorption/appointment of each of the petitioners herewith. However, in the leading case being C.W.J.C. No. 7636 of 2014 (Dr. Kedar Nath Pandey and others Vs. The Magadh University & Ors.) in paragraph 17 of the order the learned Writ Court has dealt with the issue in the following manner:-

“Yet another serious infirmity found by the Court is that the decision contained in Annexure-8 series has been passed in gross violation of the principles of natural justice because the decision so taken by the Pay Verification Cell has serious civil consequences for these petitioners since they are going to not only loose out on the salary they have so earned but even the orders of promotion etc. which they have acquired over a period of time on the basis of the date of their initial absorption on their respective post and position gets altered.”

From the aforesaid, it is clear that the learned Writ Court interfered with the matter keeping in view the fact that the



decision of the Pay Verification Cell had serious civil consequence on the petitioners' service benefit which included loss of salary, loss of promotion and other service benefit. That being so, the spirit of the order passed by the Writ Court was to the effect that the date of initial absorption/appointment was to be corrected and in consequence of that correction, all monetary benefits accruing, including pay fixation, grant of arrears of pay etc. have to be granted. As on date, only the initial date of absorption/appointment has been corrected and I am informed that the pay in consequence thereof is being paid. However, arrears and other benefit accruing out of the correction has not been paid and the University today points out that for the same the State has to release the grant in aid and then only the same can be paid.

If that be so, the University is directed to work out the monetary benefit payable to each of the petitioners within a period of one month from today, forward it to the State Government for release of the grant and the State Government is directed to release the grant for payment to each of the petitioners within two months and submit a report to this Court within three months with regard to payment of arrears to each of the petitioners. In case the report is not presented before the



Registrar General of this Court within three months of the date of issuance of certified copy of this order, the Registrar General shall bring this fact to the notice of this Court and this Court would consider reviving the contempt applications and taking action not only against the State Government but also the officers of the University. In case the order/direction of this Court is not complied with, option shall be available to any of the applicants to make a complaint in this regard by filing an Interlocutory Application in these cases only on which the matter shall be placed for consideration before this Court.

With the aforesaid, all the contempt applications stand disposed of.

(Rajendra Menon, CJ)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	13.07.2018
Transmission Date	

