

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17819 of 2015**

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Dr. Jai Prakash Bhagat S/o Late Gulab Chand Bhagat R/o - At + P.O. + P.S.  
Murliganj, District - Madhepura.

... .. Petitioner/s

Versus

1. The B. N. Mandal University, through its Registrar.
2. The Vice-Chancellor, B.N. Mandal University, Madhepura.
3. The Registrar, B.N.Mandal University, Madhepura.
4. The Finance Officer, B.N. Mandal University, Madhepura.
5. The State of Bihar, through the Principal Secretary, Education Department,  
Government of Bihar, Patna.
6. The Special Secretary, Education Department, Govt. of Bihar, Patna.
7. The Director, Higher Education Department, Govt. of Bihar, Patna.
8. The Pay-Verification Cell, Education Department, Govt. of Bihar, Patna,  
through its Authorised Officer.
9. The Principal, B.N.M.V. College, Sahugarh, Madhepura, P.S. + District -  
Madhepura.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-------------------------------------|
| For the Petitioner/s | : | Mr. Purushottam Kumar Jha, Advocate |
| For the State        | : | Mr. R B N Singh, AC to GA 10        |
| For the University   | : | Mr. M K Roy, Advocate               |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL JUDGMENT**

**Date : 04-12-2018**

Heard learned counsel for the parties.

The issue raised in this writ petition is no more res  
integra as it has been concluded by a judgment of this Court in  
CWJC No. 21232 of 2014 dated 27.06.2015. Once the Aggrawal



Commission on reference by the Apex Court has determined the entitlement of the incumbent the University and the State cannot tinker with the recommendation of the Aggrawal Commission which has been accepted in toto by the Apex Court.

Considering the backdrop of fact CWJC No. 5818 of 2018 was allowed and disposed of on 20.04.2018 by this Court in following terms:-

*“In view of the conclusive report of Justice Aggrawal Commission, the respondents are obliged to accept the date of appointment of the petitioner in terms of the report of Justice Aggrawal Commission which was approved by the Apex Court in the judgment reported in (2005) 9 SCC 129.*

*The second grievance with regard to the jurisdiction of determination of entitlement by the pay verification cell is concerned, this issue is no more res integra and in any view of the matter, the respondents cannot alter the entitlement which accrued to the petitioner in terms of the report of Justice Aggrawal Commission.*

*Referring to the claim of the petitioner for payment of arrears, the Court on the basis of Annexure-11 onwards is of the view that it is domain of the university to calculate the entitlement of arrears of the petitioner and university cannot keep the matter pending for years together. In the aforesaid circumstances, the respondent university is directed to calculate the*



*entitlement of petitioner for payment of arrears in accordance to law and in light of the observation made hereinabove within a period of 60 days from the date of receipt or production of a copy of this order and shall ensure payment of the same within a further period of one month. In the event the university is in financial difficulty in making payment of the arrears, the university is required to make demand from the State Government by enclosing utility certificate of the use of fund granted earlier by the State. In the event such demand are raised by the university along with the utilization certificate for utilization of the fund, the State has to provide the additional fund for payment of the dues of the petitioner in case of inadequate fund, so that the payment of the petitioner and alike are made within the time frame indicated hereinabove. The Court is not inclined to grant interest on payment of dues in the facts and circumstances of the case. However, if the respondent does make payment of the dues in the time frame indicated hereinabove, the university authorities shall be liable to pay interest @ 9 per cent from the date of filing of the writ application till the date of actual payment and interest component shall be paid by the officers concerned responsible for delay in payment and the Vice-Chancellor of the University will determine liability of the officers concerned responsible for delay and realize the interest from their pocket.”*



Since the case of the present petitioner is covered by the decision in CWJC No. 5818 of 2018 where the similar issue has been settled, the present writ petition is disposed of in similar terms.

The writ petition stands disposed of accordingly.

(Anil Kumar Upadhyay, J)

mrl./-

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