

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4055 of 2014

In

Civil Writ Jurisdiction Case No. 16828 of 2013

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1. Sunita Kumari D/o of Late Kishun Ram Resident of Kalibari Road, P.S. - Jail Road, P.O. - Ranna, Distt. - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dr. Pandit Palande, Vice Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur.
3. Dr. Vivekanand Shukla, Registrar, B.R. Ambedkar Bihar University, Muzaffarpur,
4. Dr. Mamat Rani, Principal M.D.D.M. College, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava

For the Respondent/s : Mr. Nawal Kishore Singh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

10 01-11-2018 It appears that the petitioner has received the arrears of salary for the period 01.03.2017 to January, 2018 amounting to Rs.1,66,278/- vide Cheque No.0419 dated 06.03.2018 issued by the Principal M.D.D.M. College, Muzaffarpur.

A stand has been taken in Paragraph No.7 of the counter affidavit of the University that after the death of her mother, the petitioner was appointed on compassionate ground. Her mother was working in the hostel of the College as daily wage employee. It is further stated that the salary bill of the petitioner was never submitted to the University along with other regular employees so the university never released the fund in the salary



head of the petitioner nor name of the mother of the petitioner was included in the budget of the University submitted for grant to the State Government. It has also been disclosed that her payment of salary was made from the internal resources of the College. The present payment has also been made from the internal resources. It is stated that now a demand has been requisitioned from the State Government and on receipt of the same payment shall be made to the petitioner.

Learned counsel for the University is present and submits that in the given facts and circumstances, there is no case of willful disobedience or disregard to the order of the Court. The learned writ Court had directed the Registrar of the University to examine the grievance of the petitioner and there was no adjudication on the payability.

In view of the specific stand taken in the counter affidavit in Paragraph Nos. 7 and 8 as stated above, this contempt application may be dropped.

Having heard learned counsel for the petitioner and the University and taking note of the stand indicated in the counter affidavit, this Court is of the opinion that it is not a case of willful disobedience or disregard shown to the order of this Court. The learned writ Court has left it open for the University to consider



the grievance of the petitioner, the same has been considered and steps have been taken accordingly.

The contempt application is disposed off in terms stated hereinabove.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/Ved.

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