

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7872 of 2017

=====

Rajesh Kumar Agrawal, S/o Late Shree Gopal Das, Baraphatak, Daulatganj, Near
Gandhi School, Saran (Chapra), Bihar.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Secretariat, Bihar, Patna.
2. The Principal Secretary, HRDD Government of Bihar, Patna.
3. The Vice Chancellor, Jai Prakash University, Chapra, Saran.
4. The Registrar, Jai Prakash University, Chapra, Saran.
5. The Deputy Registrar, Jai Prakash University, Chapra, Saran.
6. The Principal, Rajendra College, Chapra, Saran.

.... Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar Verma, Advocate
For the State	:	Mr. Ram Vinay Prasad Singh @ Sanjay, A.C. to G.A. XII.
For the University	:	Mr. Anjani Kumar, Sr. Advocate Mr. Nagendra Kumar Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 10-01-2018

Heard learned counsel for the petitioner; State and J.P.

University (hereinafter referred to as the 'University').

2. The petitioner has moved the Court seeking salary for
the period he has worked.

3. Learned counsel for the petitioner submitted that
necessary funds have also been allotted by the University to the
college concerned for payment but the same has not been made.

4. On the last occasion, in view of the issue which had
cropped up during hearing of the case, the Court had directed the



petitioner to file supplementary affidavit bringing on record material to show that the service of the petitioner was regularized by the University.

5. Today, though a supplementary affidavit has been filed on behalf of the petitioner but it has been fairly submitted by learned counsel representing him that there is no document to show any regularization. However, it was submitted that his service was adjusted.

6. Learned counsel for the University submitted that there being no regularization, public funds cannot be spent to pay such employees and moreover, in the present case, the then Registrar (Mr. R. P. Babloo), who had issued some letters on which the petitioner today relies, has been found in various enquires to be party to grave misconduct including financial irregularity for which substantive criminal proceedings have also been initiated against him and in some he has also obtained bail.

7. Be that as it may, this Court cannot interfere in the matter for the simple reason that when the basic legality/validity of the service of the petitioner has not been established even by the petitioner himself and rather the stand is that he has no documents to show that his service were ever regularized, there cannot be any direction by a Court of law for making payment from the public



exchequer. However, if the petitioner has been taken for a ride by the authorities concerned, he may have a case against them by way of a money claim or for seeking compensation and damages but the same will have to be against specific individuals and not against any institution, for, the wrong of an individual cannot bind the authorities to such wrong act.

8. In view thereof, the writ petition stands disposed off with the aforesaid observations.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	

