

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7857 of 2016

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Kamni Singh, wife of late Shekhr Kumar Singh, r/o village-Patori, P.S.
Bihara, District-Saharsa

... .. Petitioner/s

Versus

1. The State Of Bihar through its Secretary, Higher Education Govt. of Bihar, Patna High Court
2. B.N. Mandal University Laloo Nagar, Madhepura through the Registrar.
3. Vice Cancellor, B.N. Mandal University, Laloo Nagar, Madhepura
4. The Registrar, B.N. Mandal University Laloo Nagar, Madhepura
5. The Finance Officer, B.N. Mandal University, Madhepura

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Upendra Kumar Singh
		Mr. Neeraj Kumar
For the BNMU	:	Mr. Ritesh Kumar
For the Respondent/s	:	Mr. Subodh Kumar- SC-25

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 10-04-2018 Heard learned counsel for the petitioner and the counsel appearing on behalf of the State as well as counsel for the University.

The grievance of the petitioner in the present writ application is non-payment of arrears of revised pay scale in the fifth pay revision with effect from January, 2006 to March, 2010.

Learned counsel for the University submits that in fact sixth PRC recommendation for pay revision with effect from 2006 to 2010 was wrongly mentioned in the writ petition as fifth



pay revision.

Referring to the documents enclosed with the counter affidavit at page 12 he submits that the University has already cleared the dues and the statement to that effect was incorporated in the documents and annexed with the counter affidavit which indicates that fund was allocated by the University for payment of the arrears for the period 01.04.2000 to 31.12.2005.

With reference to page-12 learned counsel for the University submits that University after calculation of the arrears payable to the teachers of the respective colleges has raised demand which is pending before the State Government.

Learned counsel for the State submits that the State Government has allocated fund to the University to make payment of the arrears and current salary and in view of the above he submits that necessary funds have been allocated by the State Government and the University has not filed utilization certificates and in the absence of utilization certificate the University is not entitled to allocation of further fund for payment of dues.

In view of the above, the writ petition is disposed of with direction to the University to consider the case of the



petitioner for payment of arrears and if similarly circumstances others have been paid, similar benefit should be extended in case others have not been paid on account of financial constraint, the University may request the State Government for release of additional fund to pay arrears of the petitioner alongwith a copy of the utilization certificate of the fund allocated earlier and the State Government may release additional fund.

The entire exercise of calculation of entitlement of the petitioner in this regard may be completed by the University within a period of four months. Thereafter, if the University raises demand for allocation of further fund, the State Government is required to provide additional fund on satisfaction of proper utilization of the fund allocated earlier within a period of two months.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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