

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23601 of 2012

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1. Aghmochan Jha Son Of Late Nak Ched Jha Residing At Siddharha
Puram, Ram Dayal Nagar, P.S. Bhagwanpur In The Town And District Of
Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Vice-Chancellor, B.R. Ambedkar, Bihar University, Muzaffarpur
3. Registrar, B.R. Ambedkar Bihar University, Muzaffarpur
4. Deputy Registrar B.R. Ambedkar, Bihar University, Muzaffarpur
5. Finance Officer, B.R. Ambedkar Bihar University, Muzaffarpur
6. Finance Adviser, B.R. Ambedkar, Bihar University, Muzaffarpur
7. Principal, J.B.S.D. College, Bakuchi, Muzaffarpur
8. Principal Secretary, Department Of Human Resources, Bihar, Patna
9. Principal Secretary, Department Of Finance, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajni Kant Jha

For the Respondent/s : Mr. Yogendra Pd. Sinha Aag15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 13-08-2018 Heard learned counsel for the petitioner and counsel
appearing on behalf of the State.

This writ petition was filed on 18.12.2012. Unfortunately
even after more than 5 years have passed but no counter affidavit
was either filed by the State or by the university.

The grievance of the petitioner in the instant case is
payment of arrears of salary from 28.02.82 to 01.08.1988 and for
pay fixation in the revised pay scale with effect from 01.01.2006.

In the absence of the counter affidavit, it is difficult for this



Court to fix entitlement of the writ application but the Court cannot keep this writ petition pending on account of the lackadissical approach of the respondent.

Under the compelling circumstance, this writ petition is disposed of with the direction to the respondent university to verify the record to ascertain whether payment for the aforesaid period was made to petitioner or not. Undisputably, the University has confirmed the service of the petitioner vide Annexure-2 with effect from 28.02.1982 and notification of the University contained in Annexure-2, entitles the petitioner for payment of salary since 28.02.1982.

So far entitlement of the petitioner for revised salary on account of pay revision on the line of UGC is concerned, it is the obligation of the University and the State to ensure payment of revised pay-scale in the light of the UGC recommendation and if others have been paid the difference of salary for the period 1.1.2006 to 31.01.2008, the respondent University and the State is required to ensure payment of the revised pay-scale to this petitioner also and ensure payments of the difference of salary for the period 1.1.2006 to 31.01.2008 at the earliest.

In the aforesaid background of the fact, this writ petition is disposed of with the liberty to the petitioner to file a representation



before the Registrar of the University who shall examine the record and determine the entitlement of payment for arrears of salary for the period 28.02.1982 to 31.7.1988 and also the difference of salary from 01.01.2006 to 31.01.2008 and ensure payment of the same within a maximum period of four months from the date of receipt of a production of a copy of this order.

In the event, University is facing financial constraint in making payment, the University may raise demand for release of additional fund for payment of the aforesaid arrears to the petitioner before the Director, Higher Education and the Director, Higher Education is required to take steps for release of additional fund in view of the statutory obligation under the Bihar State University Act. The entire exercise by the University and the State in the matter of payment of arrears of salary must be completed within the time indicated hereinabove.

With the aforesaid observations and directions, this writ petition is disposed of.

(Anil Kumar Upadhyay, J)

Sanjeev/-

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