

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23772 of 2013

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Dr. Mohammad Shaukat Ansari Son Of Late Md. Shahzada Ansari Resident
Of Mohalla - Benta, P.O. - D.M.C. Campus, P.S. - Laheria Sarai And District -
Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Education Department, Bihar,
Patna
2. Vice-Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga
3. Registrar, Lalit Narayan Mithila University Kameshwar Nagar, Darbhanga
4. Finance Officer, Lalit Narayan Mithila University, Darbhanga
5. Principal, M.L.S.M. College, Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mohammed Abu Haidar, Advocate
For the Respondent/s	:	Amaresh Kumar Sinha, AC to GA-1
For the LNMU	:	Chandra Mohan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 13-08-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State as well as the
University.

The present writ application has been filed by the
petitioner for a direction the respondent to make payment of
arrears of salary from November, 1986 to February, 2005.

In the counter affidavit of the respondent University
stand has been taken in paragraph-5 which is quoted below:-



“That the deponent states that the claims of the petitioner with regard to his arrear salary was examined and it was found that the petitioner was promoted to the post of Reader w.e.f. 13.01.1998 vide University memo no. 6447-60/12 dated 02.04.2012 which was already included in the Budget. But fund for making payment for the aforesaid was not made available by the State Government however, the same will be paid to the petitioner immediately on receipt of fund from the State Government on this count.

However, the claim of the petitioner for his arrears salary in the pay scale of Lecturer for the period 01.01.1986 to December, 2005 was examined which was pre audited by the State Finance auditors and thereafter a sum of Rs. 193728/- was found payable to him. Against the admitted dues of the



petitioner to a tune of Rs.193728/-, the University released this amount vide cheque no. 012204 dated 15.02.2015 in favour of College of the Petitioner with a direction to the Principal to make payment to the petitioner after deduction of Income Tax, if any, as per the Rule and the petitioner was informed regarding the same.,,

In view of the stand taken in paragraph-5 of the counter affidavit the writ application is disposed of with a liberty to the petitioner, if petitioner has not received the amount determined by the University as mentioned in paragraph-5 petitioner may approach the Registrar of the University who is under obligation to see that the amount determined as per Paragraph 5 of the counter affidavit is paid to the petitioner. In case there is any error in the calculation liberty shall also be available to the petitioner to raise issue of error in calculation by filing representation along with copy with this order. University is required to consider the representation appropriately in accordance with law within a maximum period of four months from the date of receipt/production of a copy of this order.



With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

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