

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5959 of 2017

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Prof. Dr. Arbind Prasad Singh, Son of Late Ritlal Prasad Singh, resident of Mohallah- Ashokpuri, P.O.- B.V. College, P.S.- Shashtri Nagar, District- Patna. retired university professor, department of Botany, B.S. College, Danapur.

.... Petitioner/s

Versus

1. The State of Bihar through Director, Higher Education, Bihar, Patna.
2. Magadh University, Bodh Gaya, through its Registrar.
3. The Vice Chancellor, Magadh University, Bodh Gaya.
4. The Registrar, Magadh University, Bodh Gaya.
5. The Finance Officer, Magadh University, Bodh Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. M. N. Parbat, Sr. Advocate with Mr. Ved Prakash Srivastava, Advocate
For the State	:	Mr. Madhaw Prasad Yadav, GP 23
For the M. U. University	:	Mr. Shivendra Kishore, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 16-01-2018

Heard learned counsel for the petitioner; State and
Magadh University (hereinafter referred to as the 'University').

2. The petitioner has moved the Court for the following
reliefs:

*“ (a) To issue a writ on Certiorari for
quashing the order dated 17.4.2012 (Annexure-9)
passed by Finance Officer, Magadh University,*



Bodh Gaya to the extent through which dues amounts of arrears of salary, D.A. and H.R.A. etc. of petitioner have been calculated in arbitrary manner and payments of much less amounts have been made to him in illegal manner, without assigning any reason and serving calculation chart of the same under different heads as claimed.

(b) To issue a further writ of mandamus, commanding the respondents to pay the arrears of Basic salary and D.A. of petitioner for the period in between 3.8.1982 to 31.12.2000 details of which have been handed over to petitioner by the Principal, B.S. College, Danapur, vide his letter no. 295 dated 20.9.2004 in terms of direction issued by this honourable court in C.W.J.C. number 5688 of 2003 filed earlier by the petitioner.

(c) to issue a further writ of mandamus, commanding the respondents to pay the dues amount of earn leave of the petitioner to the tune of rupees 63,649/-, which has not been paid to



him in spite of its calculation and direction of respondents as contained in letter no. Fin/sal/104/12 dated 31.7.2012, issued to the Principal of B.S. College, Danapur.

(d) To issue a further writ of mandamus, commanding the respondents to calculate and pay the arrears of dues amount of revised salary and dearness allowance etc. of the petitioner for the period in between 1.1.1996 to 31.12.2000 along with their calculation charts, after deducting the payments, if any, already made to the petitioner in these regards, which have become due on the basis of revision of pay of the petitioner with effect from 1.1.1996.

(e) To issue a further writ of mandamus, commanding the respondents to pay the dues amount of House Rent allowance amounting rupees 42,600/- for the period in between March 1992 to May 1997, which has not been paid to him in illegal and arbitrary manner.

(f) To issue further writ of mandamus, commanding he respondents to pay the entire



pensionary benefits and other dues of the petitioner above said along with interest at the rate of 18% per annum since the date of amounts have become due, till the date of their payments.

(g) To any other relief or relief's for which the petitioner may be found entitled to."

3. In essence, the petitioner has challenged the order of the University dated 17.04.2012 by which the claim of the petitioner had been disposed off. As per the same, under various heads, the entitlement has been held which is at variance with the amount claimed by the petitioner.

4. Without going into the finer details of the matter on merits, the Court finds that the order impugned mentions certain documents i.e., the reply of the Principal, B.S. College, Danapur under Letter No. Fin./Sal/302/12 dated 10.01.2012 and further there is reference to the recoverable excess amount paid to the petitioner on account of H.R.A. for various periods and also the claim of leave encashment and outstanding dues on account of revised U.G.C. pay scale effective from 01.01.1996 to December, 2000. The Court finds that the details of the calculation made by the University had to be provided to the petitioner so that he is in a position to point out if



there are any discrepancies in the same and if the letter of the Principal of the concerned college dated 10.01.2012 has been replied, the petitioner was also entitled to be aware of its contents. All the aforesaid not having been done, that is, copy of the letter of the Principal not being supplied and details of calculation made on behalf of the University also not being provided to the petitioner for going through the calculation as to what is his entitlement under various heads, has rendered the order impugned infirm.

5. Accordingly, the order dated 17.04.2012 is set aside. The authorities shall provide the petitioner with copy of letter of the Principal dated 10.01.2012 as also detailed calculation chart relating to the excess amount of H.R.A. alleged to have been paid to him and also the calculation relating to earned leave and outstanding dues on account of revised U.G.C. pay scale. The same be provided to him within three weeks from the date of production of a copy of this order before the respondent no. 4. Thereafter, the petitioner shall be at liberty to file a representation before the respondent no. 5 within the next two weeks, who shall consider the same and dispose it off by passing a reasoned order within the next four weeks. Depending on the outcome of the order passed, the petitioner shall be at liberty to move before the appropriate forum, if required, in accordance with law. However, it is observed that if the dispute is relating to facts and



calculation, the forum would obviously not be the jurisdiction of the High Court under Article 226 of the Constitution of India.

6. It goes without saying that the remaining payable amount in terms of the order to be passed afresh shall be paid to the petitioner within four weeks of passing of the order.

7. The writ petition stands allowed in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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