

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9016 of 2017

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Lalan Jha Son of Late Bateshwar Jha Resident of Village Sikandarpur, P.S. Muffasil, District Begusarai at present posted as Assistant Professor in Braj Bhushan Sanskrit College, Kharkhura, Gaya, District Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. Joint Secretary, Education Department , Government of Bihar.
3. Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga through its Vice-Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga, District - Darbhanga.
4. Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
5. Finance Officer, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga, District - Darbhanga.
6. Principal, Braj Bhushan Sanskrit College, Kharkhura, Gaya, District Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Advocate Mr. Arvind Kr. Pandey, Advocate
For University	:	Mr. Awadhesh Pd. Sinha, Advocate
For the Respondent/s	:	Mr. Ram Vinay Pd. Singh Advocate Ga12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 03-05-2018 Vague counter affidavit has been filed in the present case which does not serve any purpose.

The deponent has filed affidavit. In para-8, 9 and 10 the following statement has been made:-

“8. That it is humbly stated that the State Government releases consolidated grants in aid to the Universities.

9. That it is stated that the Education in pursuance of requisition for allocation of grants made by the University, consider the same and send it to the Department of Finance for approval and after the approval of the Department of Finance it is



placed before the State Cabinet and after the approval of the State Cabinet, the Department of Finance allocates fund to the Education Department whereupon the Education Department releases the amount to each of the universities, which in turn utilize the same and sent the utilization certificate to the Government.

10. That in this connection it is further stated that the University has claimed an amount of Rs. 1,37,50,000/- (Rupees One Crore Thirty Seven Lacs and Fifty Thousand Only) for making payment of honorarium to 25 temporary teachers from September 2015 to March 2018. Pursuant to the said requisition of the University, the State Government has sanctioned and released the said alleged grant, vide memo no. 119 dated 10.03.2018 to the University.”

The affidavit is completely silent on the point whether it has allocated the fund for payment to the petitioner.

The statement made in the aforesaid paragraphs is no reflection of the allocation of fund pursuant to the budget prepared by the University and approved by the State Government. The statement is only to the extent that for the period September, 2015 to March, 2018. On the demand of the University the said fund was allocated.

Learned counsel appearing on behalf of the University submits that there is no specific averment in the counter affidavit as to how the fund is to be utilized.

Considering the aforesaid when there is no dispute as to the entitlement of the petitioner, the writ petition is



disposed of with direction to the University to ensure payment of dues to the petitioner within a maximum period of sixty days from the date of receipt/production of a copy of this order.

In view of the stand taken by the respondent in para-10 the University is required to utilize the same for payment to the petitioner. In case, additional fund is required by the University for payment of dues to the petitioner, the University will be at liberty to raise demand for allocation of additional fund and in case such demand are raised after enclosing utilization certificate of the previous years allocated fund the State Government is under obligation to allocate further fund within a maximum period of two months from the date of raising such demand for additional fund.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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