

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2536 of 2018

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1. Amerika Kumar Yadav & America Yadav, S/o Late Kailash Yadav,
Resident of Village- Majhriya, P.O.- Bharwaliya, P.S.- Malahi, District-
East Champaran Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Higher
Education to the Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department,
Government of Bihar, Patna.
3. The B.R.A. Bihar University through its Registrar having office at
University Campus, Muzaffarpur.
4. The Registrar, B.R.A. Bihar University, University Campus,
Muzaffarpur.
5. The Ram Lakhan Singh Yadav College, Bettiah through its Principal.
.... Respondents

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Appearance :

For the Petitioner : Mr. Nitesh Kumar, Adv.
For the State : Mr. Pramod Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 16-02-2018 Heard the learned counsel for the petitioner and the

learned counsel appearing for the State and Mr. Dhruv Mukherjee,

learned senior counsel appearing for the University.

The claim of the petitioner in the present writ
application relates to factual enquiry which can only be done by
the University as records are lying with the University. The final
decision will be taken by the University on verification of the
records in view of the nature of the issue involved in the present
writ application.

Instead of keeping the matter pending, the writ
application is **disposed of** with the direction to the University to



take final decision with regard to the claim of the petitioner for payment of salary and if it is found that the petitioner is entitled to payment of salary, necessary orders must be passed by the University within a maximum period of three months, from the date of receipt/production of a copy of this order, along with a copy of the order of this Court. In case the University does not find the claim of the petitioner for payment of salary admissible the University may pass reasoned and speaking order for rejecting the claim. Final decision must be taken by the University within the time frame of three months indicated here-in-above.

It is needless to say that respondent no. 5 will be obliged to assist the University in the matter of final disposal of the claim of the petitioner and the University has every authority to compel respondent no. 5 to assist the University, including coercive step against respondent no. 5 in order to dispose of the representation within the time frame indicated here-in-above.

(Anil Kumar Upadhyay, J)

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