

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.535 of 2018

In
Civil Writ Jurisdiction Case No.10779 of 2017

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Akhilesh S/o Shree Prasad Madhaw R/o Ujjain Complex, Dak Banglow
Road, P.S. Kotwali, District- Patna- 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, New Secretariat, Patna.
2. The Director, Higher Education Department, Govt. of Bihar, Patna.
3. The Public Information Officer, Pay Verification Cell Higher Education
Department, Govt. of Bihar, Patna.
4. Magadh University, Bodh Gaya District- Gaya through its Registrar.
5. The Vice Chancellor, Magadh University Bodh Gaya.
6. The Registrar, Magadh University Bodh Gaya.
7. The Principal, B.D. College Mithapur, Patna- 800001, Bihar.
8. Dr. Chandravijay Prasad Singh, Associate Professor, Department of Zoology,
B.D. College, Mithapur, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate
Mr. Ranvijay Singh, Advocate

For the Opposite Party/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 27-02-2019

The applicant seeks review of the order dated
24.09.2018 passed in C.W.J.C. No. 10779 of 2017.

2. The petitioner has approached this Court with a
limited prayer of directing an inquiry into the unauthorized
payment of salary to Respondent No. 8 to the tune of 95 lakhs,



even when there was serious audit objection for the payment of same. The Division Bench vide order dated 24.09.2018 took into account the fact that 40 colleges of the Magadh University were taken over by the State Government in the year 1986 and one amongst such colleges was B.D. College, Patna where the concerned Respondent No. 8 was also employed. Since the take over of the colleges including B.D. College, Patna where Respondent No. 8 was employed was in the 4th phase of such take over and which led to serious controversies, claims and counter claims, the matter went to Supreme Court where Hon'ble Mr. Justice S.C. Agrawal (Retd.) was requested to determine the genuineness of the claim of the teachers qua the number of posts sanctioned by the State of Bihar working in different colleges which were taken over by the State of Bihar in the 4th phase. The Hon'ble Justice S.C. Agrawal Commission recommended for inclusion of the names of such persons whose names had been recommended or were in the process of being recommended. It is the case of the petitioner that the name of Respondent No. 8 did not find mention in the list but later because of a composite order being passed including all such names including that of the petitioner, the Division Bench took a view that since the name of Respondent No. 8 found mention in



the list, there was no occasion for any dispute with respect to payment of salary to him.

3. Perhaps, the Division Bench did not look into the fact that there was a limited prayer of the petitioner for an inquiry in the event of the audit objection with respect to payment of salary to Respondent No. 8. The rules of University also indicate that in case of any objection by the audit, the matter is to be referred normally to the Chancellor for a final determination.

4. In that view of the matter, we feel that the order dated 24.09.2018 requires a re-visit. We, therefore, direct that an inquiry be held with respect to the genuineness of the claim of Respondent No. 8 for seeking payment from the University. The inquiry shall be conducted by the Vice Chancellor of Magadh University and the process of inquiry shall commence within a period of four weeks from the date of production of a copy of this order. The counsel for the petitioner is directed to place before the Chancellor a copy of this order. It is expected that the Vice Chancellor shall conclude the inquiry within a period of three months. Needless to state that inquiry would be conducted not without seeking the response of Respondent No. 8 and other stake-holders in the matter and after perusal of such reports



which may be called for and would be necessary for deciding the issue.

5. The order dated 24.09.2018 stands reviewed accordingly and the Review Application stands disposed of.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	28.02.2019
Transmission Date	

