

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.485 of 2013
In
Civil Writ Jurisdiction Case No.11925 of 2012

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1. Sabitri Devi W/O Brahmdeo Paswan Resident Of Mohalla- Durgapur Gaushala, Police Station- Katihar, District- Katihar.
 2. Shankar Bhattacharya S/O Fanibhushan Bhattacharya Resident Of Otipura Katihar, Police Station- Katihar, District- Katihar.
 3. Smt. Mahua Das W/O Proranta Kumar Resident Of Kalika Bastalaya, Mangal Bazar, Katihar, Police Station- Katihar, District- Katihar.
 4. Smt. Kandula Singh D/O B.B. Singh Resident Of New Colony, Katihar, Police Station- Katihar, District- Katihar

... .. Petitioners

Versus

1. Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura through the Registrar, Sri Ganesh Prasad, name of father not know to the petitioners.
2. Sri Arun Kumar, name of father not known to the petitioners ,Vice Chancellor, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
3. Sri Ganesh Prasad, name of father not known to the petitioners, S/O Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
4. Smt. Dr. Asha Lata Sahay, name of father/husband not known to the petitioners, Principal, M.J.M. Mahila College, Katihar.
5. The State Of Bihar, through Sri Amarjeet Sina, The Secretary, Higher Education Department, Government Of Bihar, New Secretariat, Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Dhrub Mukherjee, Sr. Advocate.
For the State : Mrs. Ratna Kumari AC to PAAG-2
For the University : Mr. Shashi Bhushan, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 02-05-2019

Heard learned counsel for the petitioners and learned
counsel for the respondents.

2. The present petition has been filed for initiating a
contempt proceeding against the opposite parties for willful



disobedience of the order of the writ court dated 30.07.2012 passed in C.W.J.C. No. 11925 of 2012.

3. Over the past about half a decade, the matter was taken up from time to time and several affidavits by way of show cause have been filed by the opposite parties including the one that has been filed in Court today. In course of the proceedings, the opposite parties have made payment of the arrears of salary based on the old pay scale to all the petitioners after release of funds of Rs. 1,80,12,831/- by the State Government.

4. Learned Senior Counsel for the petitioners, Mr. Dhrub Mukherjee submits that the petitioners are entitled to be paid on the basis of revision effective from 01.01.2006 to 01.01.2016 respectively, which however has selectively been paid only to the petitioner no. 4 and the same is still outstanding for payment to petitioner nos. 1, 2 and 3 without justification. It is pointed out that the Principal of the College (respondent no. 4) was required to requisition funds from the State Government for payment of the revised salary which does not appear to have been done.

5. Learned counsel for the State, on the other hand, invites reference to the order of the writ court dated 30.07.2012 which contemplated continuation of the regularized/absorption status of the petitioners from 31.07.1992/02.08.1992 but there was no positive direction for payment of arrears on revised salary. On the contrary, the petitioners were given liberty to represent for



any other arrears of salary. It is therefore submitted that the order of the writ court stands complied with in its entirety.

6. Having heard the parties and on consideration of the materials on record, I am of the view that the order of the writ court stands complied with as it is not in dispute that the petitioners have since been granted continuance of regularization on 31.07.1992/02.08.1992 as directed by the Court. In absence of any positive direction for payment of arrears of revised salary in the order of the writ court, no fruitful purpose will be served in continuing the present proceeding. Any grievance that the petitioner nos. 1, 2 and 3 may have with regard to non-payment of revised salary may well be agitated in a duly constituted writ petition, if so advised.

7. The contempt petition stands disposed of with the above observations.

(Vikash Jain, J)

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