

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16052 of 2019

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Yogendra Prasad Singh Son of Late Dhirja Singh @ Girja Singh Resident of
Mohalla- Back Side of Municipality, Gandhi Nagar, P.S.- Dehri, District-
Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary Education Department, Government of Bihar, Patna.
3. The Director Higher Education, Government of Bihar, Patna.
4. The Magadh University Bodh Gaya through its Registrar.
5. The Vice- Chancellor Magadh University, Bodh Gaya.
6. The Registrar Magadh University, Bodh Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh
For the Respondent/s : Mr. Subhash Chandra Mishra (Sc16)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 07-08-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State as well as University.

The grievance of the petitioner in the present writ
application is non payment of monitory benefit on account of
promotion of the petitioner as Lecturer Selection Grade w.e.f.
27.07.2003 to 31.07.2017.

Learned counsel for the petitioner submits that the
petitioner has now superannuated without getting the benefit of
the monitory benefit of promotion as Lecturer Selection Grade.
The arrears of difference of salary pertains to the period of
27.07.2003 to 31.07.2017. If the petitioner was granted



promotion as Lecturer Selection Grade petitioner is entitled to the consequential monetary benefits from the date of grant of such promotion. Respondents cannot be heard saying that due to financial constraint petitioner was not paid the salary admissible to Lecturer Selection Grade.

Learned counsel appearing on behalf of State submits that the State is ready to release fund provided the respondents University furnishes the utilization certificate of the previous fund allocated to the University.

Considering the fact that petitioner has now superannuated, the writ petition is disposed of with a direction to the respondent University to raise demand for allocation of fund enclosing the copy of utilization of the previous allotment if available fund is not adequate and on receipt thereof, the State Government shall provide additional fund to the University so that the arrears of the petitioner and others alike is paid.

Necessary decision in this regard must be taken at the level of the University within a maximum period of 30 days from the date of receipt/production of a copy of this order and thereafter the State Government will verify the demand and allocate the additional fund to the University within a further period of two months and thereafter, the University on receipt of



the funds shall ensure payment to the petitioner within a further period of one month.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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