

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2656 of 2015

Arising out of

Civil Writ Jurisdiction Case No.12464 of 2014

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Dr. Sachchidanand Jha son of Bhogendra Jha resident of Mohalla - Professor Colony, P.S. - Sadar, District - Saharsa at present working as Associate Professor, Department of Political Science, R.M. College, Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary Department of Education Government of Bihar, Patna namely Sri R. K. Mahajan.
2. The B.N. Mandal University, Laloo Nagar, District - Madhepura through its Registrar, namely Sri Kumaresh Prasad Singh.
3. The Vice-Chancellor, B.N. Mandal University, Laloo Nagar, District - Madhepura, namely Sri Binod Kumar.
4. The Registrar, B.N. Mandal University, Laloo Nagar, District - Madhepura, namely Sri Kumaresh Prasad Singh.
5. The Principal, R.M. College, Saharsa, namely Sri P.C. Khan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Advocate
For the State	:	Mr. Ravi Verma, AC to GP 4
For the BNMU	:	Mr. Ritesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 25-10-2019

Heard learned counsel for the petitioner; learned AC to GP 4 for the State and learned counsel for the B N Mandal University (hereinafter referred to as the 'University').

2. Though on 23.10.2019, the Court had required the Additional Chief Secretary, Education Department to file an affidavit in terms of paragraph no. 6 of the order dated 30.09.2019 and in the event the same being done, his personal



appearance was dispensed with but still he is present in Court along with supplementary show cause. The stand is that with regard to the petitioner and 86 others, the Government is in the process of sanctioning the funds and necessary instructions would be sent to the Treasury Officer within two weeks from today. It was submitted that by that time, payment would also be made to them. It was submitted that once the State sanctions and releases the fund, the University shall be obliged to pay the concerned persons upon due verification.

3. The Additional Chief Secretary, Education Department submitted that in case the University finds that the funds are inadequate for satisfying the demand, the State Government is ready to meet the shortfall.

4. At this juncture, on a discussion with the officer, the Court finds that there are issues which require ironing out between the Education Department and the Finance Department of the State Government with regard to CFMS, which is causing some delay in actual payment being transferred to the concerned persons.

5. On this issue, the Court deems it appropriate that the Additional Chief Secretary, Education Department as well as the Principal Secretary of the Finance Department sit together



and resolve such differences to make the system smooth and practically implementable so that unnecessary objections/issues do not arise.

6. The Additional Chief Secretary, Education Department readily agreed to the proposal.

7. Accordingly, learned counsel for the State is directed to communicate the order to the Principal Secretary, Finance Department also.

8. As far as the present case is concerned, learned counsel for the University submitted that they have already credited the amount in the account of the petitioner yesterday.

9. It has also come to the notice of the Court that the bottleneck in making such payment is the Pay Verification Cell of the State Government. On a query of the Court to the Additional Chief Secretary, Education Department, it has been informed that out of the total sanctioned posts of Auditors, less than one third are currently working and because of the sheer volume of the work, they are not able to perform their duty within a reasonable period.

10. Having noticed such fact, the Court would request the Principal Secretary, Finance Department to ensure that adequate numbers of Auditors, having regard to the volume of



work required to be done by the Cell, should be posted and further, experienced persons should be sent so that the work of the Cell is conducted smoothly.

11. In view of the aforesaid, nothing further remains in the present application and accordingly, the same stands disposed off.

12. However, it shall be open to the petitioner to represent before the Finance Officer of the University with regard to any remaining grievance. If such representation is filed within four weeks from today, the Finance Officer shall get the matter verified from the records and pass a reasoned order within four weeks from filing of the representation. If anything further is found due and payable, the same shall also be paid to the petitioner within three weeks from the date of passing of the order.

13. Personal appearance of the officer stands dispensed with.

14. The Court would observe that looking at the urgency of the matter, the exercise, as indicated in the order, be completed, preferably within one month by the concerned authorities. The Court would further observe that if required, a fresh guideline incorporating the details/procedure of how the



matters be dealt with may be issued after meeting between the
two officers.

(Ahsanuddin Amanullah, J)

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