

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7153 of 2020

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Md. Quamrul Hoda son of late Md. Bashir Ahmad resident of Village- Naya Tola, Puraini, P.S. Jagdishpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The Tilka Manjhi Bhagalpur University, Bhagalpur through its Registrar.
2. The Vice Chancellor, T.M. Bhagalpur University, Bhagalpur.
3. The Registrar, T.M. Bhagalpur University, Bhagalpur.
4. The Finance Officer, T.M. Bhagalpur University, Bhagalpur.
5. The Principal, Sabour College, Sabour, District Bhagalpur.
6. The Principal Secretary, Human Resources Department, Govt. of Bihar, New Secretariat, Patna.
7. The Director, Higher Education, Human Resources Department, Govt. of Bihar, New Secretariat, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 17-08-2020 Heard learned counsel for the petitioner and the State.

The petitioner has filed the present writ petition for a direction to the respondents to make payment of arrears and current salary.

Learned counsel appearing on behalf of the petitioner would submit that the petitioner was appointed as Lecturer in Economics in Sabour College on 20.12.1982. The college was later on made constituent in 4th phase under the T.M. Bhagalpur University. The issue with regard to 4th phase appointment was



taken to the Apex Court and after the direction of the Apex Court, a fact finding Commission was constituted under the Chairmanship of Justice S.C.Agrawal (Retd.). The name of the petitioner figured in R-1 category of the report of Justice S.C.Agrawal Commission. Learned counsel submits that those whose names figured in R-1 category are entitled to absorption and payment of salary. In fact, the petitioner had approached this Court in CWJC No. 9193 of 2010 which was disposed of on 16.10.2012 with the direction to the University to immediately pay the arrears as well as current salary. After the aforesaid direction payments have been made for certain period but after June, 2019 the petitioner has not been paid salary.

In view of the above, if the petitioner has been working and the name of the petitioner figured in R-1 category of the report of Justice S.C. Agrawal Commission, as discussed in the order of this Court in CWJC No. 9193 of 2010, the respondents are under obligation to ensure payment of arrears and current salary, if not already paid, at the earliest.

Accordingly, the writ petition is disposed of with a direction to the respondents University and the State to ensure payment of salary to the petitioner presently working on deputation in G.B.College, Naugachiya within a maximum



period of three months from the date of receipt/production of a copy of this order failing which the petitioner would be entitled to payment of 9% interest from the date of non-payment i.e. June, 2019 till the date of actual payment.

With the aforesaid, the present writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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