

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4353 of 2019

In
Civil Writ Jurisdiction Case No.13551 of 2019

=====

Ravindra Nath Jha, Son of Late Ramnandan Jha, Resident of Village- Sora
Kothi, Dariyapur, Police Station- Fatuha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Col. Novin Kumar, the Registrar, Kameshwar Singh Darbhanga,
Sanskrit University Kameshwar Nagar, Darbhanga.
3. Prof. Sarna Narayan Jha, the Vice Chancellor, Kameshwar Singh
Darbhanga, Sanskrit University Kameshwar Nagar, Darbhanga.
4. Dr. Pawan Kumar Jha, the Finance Officer, Kameshwar Singh
Darbhanga, Sanskrit University Kameshwar Nagar, Darbhanga.
5. Sri Anjani Kr. Singh, the Principal Secretary Higher Education Human
Resource Development Department, Govt. of Bihar, Patna.

... .. Opposite Party/s

=====

Appearance :

For the petitioner	:Mr. D. K. Sinha, Senior Advocate Mr. Kumar Gautam, Advocate
For the Respondents	: Mrs. Shilpa Singh, S. C. 9

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 20-05-2020 The matter was taken up on the basis of mention
made by the learned counsel for the petitioner for the case to fall
within category-I of the notice no.1 published in the daily cause
list.

Heard Shri D. K. Sinha, learned Senior Counsel for
the petitioner and Smt. Shilpa Singh, learned counsel for the



respondent nos. 1 and 5.

The matter relates to the non-compliance of the directions issued by this Court, more specifically with regard to non-disbursement of the salary in terms of order dated 8.7.2019 passed by this Court in CWJC No. 13551 of 2019 titled as Ravindra Nath Jha Versus Kameshwar Singh Darbhanga Sanskrit University & Ors. For ready reference, the said order is reproduced in toto hereinunder:-

“Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State as well as the University.

The grievance of the petitioner in the present writ petition is non-payment of salary. Taking work and denying salary would amount to Beggari which is not permissible in our fabric as Article 23 of the Constitution prohibits Beggari.

Considering the fact that the petitioner is working in the respondent- Kameshwar Singh, Darbhanga Sanskrit University Kameshwar Nagar, Darbhanga, the Court directs the University to ensure payment of salary to the petitioner if he is working regularly. Necessary decision with regard to payment of salary to the petitioner must be taken by the respondent-University at the earliest preferably within a period of 60 days from the date of receipt/production of a copy of the order and entire payment shall be made to the petitioner within a further period of 30 days. In the event of non-payment of arrears as well as current salary without any cogent reason, the



respondent shall be liable to pay interest at the rate of 9% per annum from the date of accrual till the actual date of payment. The interest component shall be paid by the respondent-authorities from their own pockets.

With the aforesaid, the writ petition stands disposed of.”

Even though, none has chosen to enter appearance on behalf of respondent nos. 2, 3 and 4, but Mrs. Shilpa Singh, who appears on behalf of the respondent nos.1 and 5, invites our attention to a communication dated 19th August, 2019, the order passed by the Vice Chancellor of Kameshwar Singh Darbhanga Sanskrit University, Darbhanga, indicating that cases of all the eligible persons were considered by the Committee so constituted for such purpose.

Shri D. K. Sinha, learned Senior Advocate, clarifies that the said Committee never considered the petitioner’s case.

Be that as it may, we are of the considered view that if the petitioner is otherwise eligible and is serving the University, then he must get the salary in terms of the order dated 8th of July, 2019 reproduced supra.

At this stage, Sri Sinha states that the petitioner shall approach the University by making a detailed representation, clarifying his entitlement with regard to salary. As prayed for, let such representation be filed within a period of



two weeks.

We direct the respondent nos. 2, 3 and 4 in their individual capacity as also the Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga, to have the matter examined and ensure that a decision is taken on the petitioner's representation, after affording opportunity of hearing to all concerned, positively, within a period of four weeks from the date of receipt thereof. Failure would tantamount to violating the order passed by this Court for which he shall be personally liable.

Any dues to which the petitioner is found entitled to, shall positively be disbursed in terms of order dated 8th July 2019.

Petition stands disposed with the aforesaid directions and observations.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

U			
---	--	--	--

