

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20755 of 2013

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Raj Kishore Prasad Sinha S/o Late Raghunath Prasad Singh, Finance Officer,
B.N. Mandal University, Madhepura, Resident Of Anandpuri, Bibiganj, North
Of Rly Pani Tanki Near S.K. Tent House, P.S- Muzaffarpur Sadar, Distt-
Muzaffarpur- 842001

... .. Petitioner/s

Versus

1. B.N.Mandal University through the Vice Chancellor, B.N. Mandal University, At Madhepura, P.O- Madhepura, Distt- Madhepura.
2. Dr. R.N. Mishra, the Vice Chancellor, B.N. Mandal University, Madhepura, P.O and Distt- Madhepura.
3. Dr. B.N. Biveka, the Registrar, B.N. Mandal University, Madhepura, P.O and Distt- Madhepura.
4. Dr. Kishore Nath Jha Deputy Registrar 1 Finance, B.N. Mandal University, Madhepura, Distt- Madhepura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nand Kishore Singh
For the Respondent/s : Mr.Arbind Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

21 15-03-2021 The present writ petition has been filed seeking the
following reliefs:-

“(i) To issue a writ a mandamus or any other appropriate writ/order/direction commanding the respondents to make payment of current regular full salary from March 2013 to August 2013 as fixed by statutory pay fixation committee effective from 01.11.2006 in terms of Sankalp L.N. 26693 dated 27.08.2010, which became payable from 01.04.2007.

(ii) To issue further writ direction/order commanding the respondents to pay the due part



of arrear of Rs. 3,21,019/- from 28.06.2007 to 31.08.2010 (date of joining to the university); grant for which has been released by the State Government vide its letter no. 848 dated 24.04.2013, but is arbitrarily withheld by verbal direction of respondent no. 2.

(iii) To quash the order contained in letter no. VCR/con/23/13 dated 29.08.2013 (Annexure-7) whereby another person respondent no. 4 has been empowered to operate bank account jointly with respondent no. 3 in place of the petitioner, who is a commissioned Finance Officer of the University and also to quash the order dated 16.08.2013 (Annexure-4) reducing the pay of the petitioner as arbitrary, violative of natural justice and contrary to order of pay fixation committee.

(iv) To pass an order directing the respondent no. 2 to allow enquiry committee (constituted by State Government) to enquire into the financial irregularities committed in the university as communicated by the Chairman of the enquiry committee vide letter no. 15/C2-05/13-1196 dated 02.07.2013 (Annexure-1) which was prevented by respondent no. 2.

(v) To direct respondent no. 2 not to take any policy decision involving financial implication, transfer, promotion, pay fixation, administrative decisions involving contracts, deputation of teachers on unsanctioned posts as officers in order to accommodate his favourite persons,



including direction to recall all orders involving policy decisions during his tenure.”

At the outset, the learned counsel for the petitioner submits that the petitioner seeks disposal of the present writ petition in terms of the statement made in the supplementary counter affidavit filed on behalf of the respondent nos. 1 to 4, i.e. the one dated 31.01.2020. The relevant paragraphs of the supplementary counter affidavit are reproduced herein below:-

“4. That it is respectfully stated and submitted that pursuant to the order dated 24.11.2018 passed in the present case, the University re-verified the entitlement of the petitioner and issued the statement of provisional fixation of pay w.e.f. 01.01.2006. Further the Registrar of the University vide his letter no. A/C-1818/19 dated 04.12.2019 informed the Registrar J.P. University, Chapra regarding revised pay fixation of the petitioner and it was further informed that as per the previous last pay drawn Rs. 3274534/- which was due on the petitioner has been adjusted on the basis of revised pay fixation. It was further informed that now there are no dues to be recovered from the petitioner so far BNMU is concerned and the revised last pay certificate is also being sent.

5. That from the above state facts it is clear that the University has issued the last pay certificate of the petitioner treating his pay to be Rs. 37400-



67000/- with grade pay of Rs. 8700/- w.e.f. 01.11.2006 i.e. the date on which the petitioner completed 5 years of continuous service as Finance Officer. Therefore, the writ petition has now become infructuous and is fit to be dismissed at the stage of admission itself.”

Having regard to the submissions of the learned counsel for the petitioner to the effect that the present petition be disposed off in light of the stand taken by the respondents in their supplementary counter affidavit, dated 31.01.2020, as aforesaid, I deem it fit and appropriate to dispose off the present petition in terms of the stand taken by the respondent nos. 1 to 4 in paragraph nos. 4 & 5 of their supplementary counter affidavit, which has also been reproduced herein above in the preceding paragraph.

At this juncture, the learned counsel for the petitioner submits that there are certain outstanding arrears, which are due for payment, hence the petitioner be granted liberty to approach the respondents for payment of the same. Accordingly, the petitioner is granted liberty to approach the competent authority for redressal of his subsisting grievances, if any.

(Mohit Kumar Shah, J)

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