

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20443 of 2018

Dr. Devendra Kumar S/o Late Amrit Prasad, Resident of Village-Mohawachak, P.S.- Harnaut, District- Nalanda, Presently residing at Nath Nikunj, House No.11, Sanatan Cooperative, North to Tejnarayan Apartment, Patna- 26.

... .. **Petitioners**

Versus

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

... .. **Respondents**

Appearance :

For the Petitioner	:	Mr.Pratik Kumar Sinha, Advocate
For the M.U.	:	Mr.Sunit Kumar, Advocate
For the State	:	Mr.Jitendra Kr. Roy 1- SC-13
		Mr.Hitesh Suman, AC to SC-13

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 29-08-2023

Heard learned counsel for the petitioner, learned counsel for the Magadh University, Bodh Gaya and learned counsel for the State.

2. Petitioner, in the present case, is seeking the following reliefs:-

“(i) To issue a writ of certiorari quashing the order dated 6/3/2017 of the respondent no. 7, Principal, College of Commerce, Patna by which the respondent no. 5, Finance Officer, M.U., Bodh-Gaya, Gaya has been



requested to recover/adjust an amount to the tune of Rs. 8,86,393/- from the petitioner as the same has received such amount in excess to his service tenure;

(ii) To issue a further writ of certiorari quashing the part of the order dated 25/11/2016 of the respondent no.6, Registrar, M.U., Bodh-Gaya, Gaya as contained in letter no. 2110/216, whereby and whereunder the respondent no.7, Principal, College of Commerce, Patna has been directed to send the details of excess amount paid to those re-designated demonstrators who received such amount beyond their service tenure. Petitioner further seek a writ of certiorari quashing the order dated 29/3/2016 of the respondent no. 7, Principal, College of Commerce, Patna in so far it relates to the petitioner herein by which he sought necessary directions from the respondent no. 6, Registrar, M.U., Bodh-Gaya, with regard to the petitioner and three other re-designated demonstrators who worked beyond the retirement age of 62 years and received excess amount as such;

(iii) To issue a further writ of mandamus directing the authorities of the university in question to make payment of the amount recovered (Rs. 8,86,393/-) and the arrears of salary and difference of arrear of salary with suitable interest;

(iv) To issue a writ of mandamus directing the authorities of the university in question to make the arrears of salary for the period between 1/9/2013 to 31 Jan, 2014 as petitioner admittedly worked for the said period and also make payment the difference of arrears of salary for the period between 31/3/2011 to 31/8/2013 which comes to Rs. 865203/- after calculation;

(v) To issue a further order/orders or writ/writs or direction/directions directing the respondent authorities to grant him further relief as he may be entitled under the law in the attending facts and circumstances of the



case.”

3. At the outset, learned counsel for the petitioner submits that the case of the petitioner would be squarely covered by the judgment of this Court rendered on 18.08.2023 in C.W.J.C. No. 22919/2018 (*Sudha Ojha Vs. The State of Bihar and Others*).

4. Earlier, when the matter was taken up for consideration on 21.08.2023, learned counsel for the University was given an opportunity to examine the present case in the light of the judgment of this Court in C.W.J.C. No. 22919/2018.

5. Today, learned counsel for the University has admitted at the Bar that the present case would be covered by the judgment of this Court in the case of *Sudha Ojha* (supra). He has no objection to the disposal of the present writ application in terms of the judgment of the said case.

6. The only change in the facts of the present case is that while *Sudha Ojha* was the widow of the concerned employee, Late Sushil Kumar Ojha, in the present case, the petitioner is himself the employee and has moved this Court. The recovered amount in this case is Rs. 8,86,393/-.



7. In the given circumstance, this Writ Application is being disposed of in terms of the judgment of this Court in C.W.J.C. No. 22919 of 2018.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	29.08.2023
Transmission Date	

