

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1749 of 2023

Dr. Jata Shankar Yadav @ Jata Shankar Yadav Son of Late Badri Narayan
Mandal Resident of Vidyapuri Mohalla, Ward no.-18, Police Station-
Madhepura, District-Madhepura.

... .. Petitioner

Versus

1. The Chancellor, Universities of Bihar Raj Bhawan, Patna.
2. The State of Bihar through Addl. Chief Secretary, Education Department Bihar, Patna.
3. The B.N. Mandal University, Lalu Nagar, Madhepura through its Registrar.
4. The Vice-Chancellor, B.N. Mandal University, Lalu Nagar, Madhepura.
5. The Registrar, B.N. Mandal University, Lalu Nagar, Madhepura.
6. The Finance Officer, B.N. Mandal University, Lalu Nagar, Madhepura.

... .. Respondents

Appearance :

For the Petitioner : Mr.Ranjit Kumar Yadav, Advocate
For the University : Mr.Ritesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 31-08-2023 Heard learned counsel for the petitioner, learned
counsel for the B.N. Mandal University, Madhepura.

2. No one appears on behalf of the State.

3. Earlier vide order dated 19.06.2023, this Court
granted time to the Universities as well as the State to file their
respective counter affidavits. Neither any counter affidavit has
been filed on behalf of the State nor any prayer has been made
for extension of time.

4. This Writ Application has been filed for the
following reliefs:

“(i) For issuance of an appropriate writ in the nature of
Mandamus directing the respondents to pay the admitted



due salary difference amount to the tune of Rs. 6,27,335/- (Rupees Six Lac twenty Seven Thousand Three Hundred Thirty Five) only to the petitioner arising on account of promotion from the post of Lecturer to the post of Reader in the Department of History, Bhupendra Narayan Mandal Vanijya Mahavidyalaya, Sahugarh, Madhepura under B.N. Mandal University, Madhepura.

(ii) For any other relief or reliefs for which the petitioner is entitled to in the facts and circumstances of the case.”

5. It is the case of the petitioner that after acceptance of the report of Justice S.C. Agrawal Commission and in view of the decision of the Hon’ble Apex Court in Civil Appeal No. 6098 of 1997, the service of the petitioner was absorbed as Lecturer in the Department of History against sanctioned post w.e.f. 10.12.1979. The respondent University notified vide letter no. 1413 dated 31.01.2009 that the date of substantive appointment of the petitioner is 10.05.1983 i.e. the date on which the Education Department had sanctioned the third post in the Department of History in B.N. Mandal University, Madhepura. Petitioner was promoted to the post of Reader in the Department of History w.e.f. 10.05.1993 vide memo no. 1766 dated 04.11.2009 (Annexure ‘3’ to the writ application). He started discharging duties on the post of Reader and rendered his services on the said post till the date of superannuation, but the grievance of the petitioner is that the enhanced monetary benefits arising out of the said promotion have not been made available to the petitioner despite several requests and



reminders.

6. In the aforementioned background, the present writ application has been filed. The dues is said to be admitted. From the counter affidavit filed on behalf of the respondent no. 3 to 6, it appears that the University has admitted the claim of the petitioner. In paragraph '7' of the counter affidavit, it is stated that for arrears of salary of the petitioner from 01.05.1993 to December 2005 and from January 2006 to May 2011, a request has been sent to the State Government for release of the requisite funds for making payment to the petitioner, as soon as the funds are released, the payment will be made available to the petitioner.

7. Having regard to the aforementioned facts and the pleadings available on the record, this being a case of admitted dues of arrears of salary, this Court directs the State respondents to make available the requisite fund to the University within a period of three months from today, so that the payment may be made available to the petitioner who is a retired employee. On receipt of the funds, the payment shall be disbursed to the petitioner forthwith.

8. After the above order stood dictated, learned counsel for the State has entered appearance in this case and on



query made by this Court has admitted that no counter affidavit has been filed on behalf of the State.

9. This Writ Application stands allowed as indicated hereinabove.

Rajeev Ranjan Prasad, J)

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