

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2885 of 2018

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Krishna Devi W/o Ram Kumar Prasad Singh, Resident of Village-Manjhaul
P.S.-Manjhaul, District-Begusarai, retired as Associate Professor From S.K.
Mahila College, Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Education Department, Govt.of Bihar, Patna.
3. The Vice-Chancellor, L.N.Mithila University, Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Darbhanga.
6. The Principal, S.k. Mahila College, Begusarai,

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 3709 of 2018

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Dr. Surendra Prasad Thakur Son of Late Shukhdeo Thakur resident of village
- Brahmotra, P.O. Brahmotra, P.S. - Pandaul, Dist. - Madhubani, a
superannuated employee as University Professor from R.N. College Pandaul a
constituent unit of L.N. Mithila University, Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Education Department, Govt. of Bihar, New
Secretariat, Patna.
3. The Vice Chancellor, Lalit Narayan Mithila University Kameshwar Nager,
Darbhanga.
4. The Registrar, Lalit Narayan Mithila University ,Kameshwar Nagar,
Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga.
6. The Principal, R.N. College Pandaul, District Madhubani.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 24266 of 2018

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Dr. Devendra Choudhary, S/o Late Amir Lal Choudhary, resident of East of
B.Ed. College, Ward No. 8, P.S. and District- Samastipur, Presently posted as



Associate Professor in the department of Commerce, B.R.B. College,
Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar. Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Vice-Chancellor, L.N. Mithila University, Kameshwar Nagar,
Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga.
6. The Principal, B.R.B. College, Samastipur.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 2885 of 2018)

For the Petitioner/s : Mr. Shashi Bhushan Singh, Adv.
For the State : Mr. Mrigendra Kumar, AC to GP 20
For the University : Ms. Alka Verma, Adv.

(In Civil Writ Jurisdiction Case No. 3709 of 2018)

For the Petitioner/s : Mr. Shashi Bhushan Singh, Adv.
For the L.M.N.U : Mr. Shailesh Kumar, Adv.
For the State : Mr. Kameshwar Kumar, GP 17
Mr. S.K. Ranjan, AC to GP 17

(In Civil Writ Jurisdiction Case No. 24266 of 2018)

For the Petitioner/s : Mr. Shashi Bhushan Singh, Adv.
For the University : Mr. Nadim Seraj, Adv.
For the State : Mr. Hari Mohan Mishra, AC to GP 27

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

- 5 23-02-2023 1. Learned counsel for the University states that the

State Government has not released the amount in the head

relating to D.A. for the period from 01.01.2006 to 31.03.2010

and therefore the University is unable to make payment to any

of the teachers on this count.
2. Learned counsel for the petitioners states that as per the



provisions of Clause 12 of the resolution passed by the State Government dated 29.07.2010, the D.A. is admissible to the University teachers and the same is to be paid by the State Government through the University.

3. Learned counsel appearing for the State on the other hand states that there is no demand raised by the University under the said head and therefore, the State Government has not released the said amount.

4. A Single Judge of this Court in **C.W.J.C. 9488/2015(Ramesh Jha vs. The State of Bihar & Ors.)**, decided on **24.08.2018** took note of the statement made by the learned counsel for the University (L.N.M.U.) and held as under:

“4. Learned counsel for the University took a categorical stand that they shall make the payment of such dues to the petitioner within two months from today. Learned counsel for the State submitted that necessary funds, as may be required, shall be released to the University expeditiously.

5. In view of the position which emerges, the writ petition stands disposed off in light of the stand of the State Government and that of learned counsel for the



University with regard to making payment to the petitioner.

6. The Court would only indicate that as the order has been passed on the stand taken by learned counsel for the University and State itself, if any violation of the same is brought to the notice of the Court, the same shall be taken seriously.”

5. It appears that the State of Bihar had filed an L.P.A. and the same was dismissed. The Learned counsels for the University and the State, however, in the present case have taken a different stand.

6. In the opinion of this Court, the State Authorities are bound to release the D.A. amount as well as other allowances. There is no requirement of a demand to be raised by the University for the said purpose, as it is their own resolution to release the D.A. amount along with the salary and therefore, the stand taken by the State Government is found to be erroneous. They have to release the allowances which are admissible to the teachers in terms of their own resolution dated 29th July 2010 whereby, they adopted the U.G.C. pay scale for the teachers of the University and the colleges.

7. It is therefore, directed that the respondents shall take steps for releasing the amount. For the said purpose



requisite bill and statement of funds required for each teacher shall be prepared by the University and submitted to the State Government who shall release the amount forthwith in the various heads.

8. The amount has not been released for a long period from 2006 till 2010, the same shall now, therefore, be released within a period of three months, failing which the amount shall carry interest at the rate of 9 %.

9. Accordingly, all writ petitions stand disposed of.

Suraj/-
Item No. 3

(Sanjeev Prakash Sharma, J)

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