

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3899 of 2022

Prof. (Dr.) Sudama Singh, S/o Late Raj Nath Singh, Resident of- Gokul Path,
near Nala, North Patel Nagar, District- Patna, presently retired as University
Professor in the subject of Physics, A.N. College, Patna.

... .. Petitioner

Versus

1. The State of Bihar the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Vice Chancellor, Magadh University, Bodh Gaya.
4. The Registrar, Magadh University, Bodh Gaya.
5. The Finance Officer, Magadh University, Bodh Gaya.
6. The Principal, A.N. College, Patna.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 3958 of 2022

Dr. Ramji Prasad Singh, S/o Ram Singar Singh, Resident of- Mahesh Nagar,
Near Nala, District-Patna, presently retired as Associate Professor in the
subject of Zoology, A.N. College, Patna.

... .. Petitioner

Versus

1. The State of Bihar the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Vice Chancellor, Magadh University, Bodh Gaya.
4. The Registrar, Magadh University, Bodh Gaya.
5. The Finance Officer, Magadh University, Bodh Gaya.
6. The Principal, A.N. College, Patna.

... .. Respondents

Appearance :

(In Civil Writ Jurisdiction Case No. 3899 of 2022)

For the Petitioner : Mr. Shashi Bhushan Singh, Advocate

For the State : Mr. Madhaw Pd. Yadaw, GP-23
Mr. Arvind Kumar, AC to GP-23

For the University : Mr. Md. Faiz Ahmad, Advocate

(In Civil Writ Jurisdiction Case No. 3958 of 2022)

For the Petitioner : Mr. Shashi Bhushan Singh, Advocate

For the State : Mr. Madhaw Pd. Yadaw, GP-23
Mr. Arvind Kumar, AC to GP-23

For the University : Mr. Pankaj Kumar Singh, Advocate



CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 08-09-2023 Heard learned counsel for the petitioners, learned counsel for the Magadh University (hereinafter referred to as the 'University') and learned counsel for the State in both the writ applications.

2. By filing these applications, the petitioners are praying for a direction to the respondents to make payment of the difference of arrears of salary on account of D.A., H.R.A. and Medical Allowances which are part of salary for the period 01.01.2006 to March, 2010. The petitioners are also praying for interest on the amount found payable to them.

3. It is the case of the petitioner in CWJC No. 3899 of 2022 that he was appointed as lecturer on 17.01.1979 and was promoted to the post of Reader under merit promotion statute with effect from 03.08.1988, thereafter he was promoted as University Professor with effect from 28.02.1998. So far as the petitioner in CWJC No. 3958 of 2022 is concerned, he was initially appointed as Demonstrator in the subject of Zoology on 15.07.1974 and was later on promoted to the post of Lecturer with effect from 06.05.1986 and again to the post of Reader with effect from 06.05.1994.

4. Learned counsel for the petitioners submits that the



case of the petitioners would be covered by the judgment of this Court rendered in CWJC No. 9488 of 2015 which has attained finality. A copy of the judgment is Annexure '6' to the CWJC No. 3899 of 2022. Learned counsel has also relied upon the judgment of this Court in CWJC No. 14633 of 2010. They have filed representation with the respondents.

5. Learned counsel for the University submits that earlier a similar matter in the case of Dr. Vijay Prasad Singh had come up for consideration in CWJC No. 17983 of 2016 which was allowed vide judgment dated 07.08.2018 after taking note of the stand of the University.

6. This Court has been informed that although no letters patent appeal was filed against the judgment dated 24.08.2018 passed in CWJC No. 9488 of 2015, in the matter of Dr. Vijay Prasad Singh (Supra), the University as well as the State preferred LPA No. 333 of 2019 and LPA No. 667 of 2021 respectively. Both the LPAs have been disposed of without interfering with the judgment of the learned Writ Court.

7. At this stage, learned counsel for the State submits that a civil review application has been preferred being Civil Review No. 167 of 2023 for review of the order dated 04.01.2023 passed in LPA No. 667 of 2021 which is still



pending.

8. Be that as it may, the fact remains that there is no denial at least by way of submission on behalf of the University and the State that the case of these petitioners would be covered by the earlier judgment of this Court rendered in CWJC No. 9488 of 2015 (Annexure '6' to the CWJC No. 3899 of 2022), hence, this Court deems it just and proper to direct the University as well as the State to consider the representation(s) of the petitioners in the light of the Bihar Litigation Policy, 2011 and, in case, it is found that the petitioners are also covered by the earlier judgment of this Court, similar reliefs which have been granted to the petitioners of the earlier cases be allowed to these petitioners within a reasonable period.

9. These writ applications are disposed of with aforesaid observations and directions.

(Rajeev Ranjan Prasad, J)

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