

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4485 of 2022

Dr. Kamal Kishore Singh, S/o Ram Bilash Singh, Resident of Arjun K.D. Tower, Road No. -0, L.B.S. Nagar, District - Patna, retired as Associate Professor in the subject of Chemistry, 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 :

For the Petitioner	:	Mr. Shashi Bhushan Singh, Advocate
For the State	:	Mr. Jitendra Kumar Roy 1, SC- 13
		Mr. U.K. Singh, AC to SC-13
For the University	:	Mr. Faiz Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 08-09-2023 Heard learned counsel for the petitioner, learned counsel for the Magadh University (hereinafter referred to as the ‘University’) and learned counsel for the State.

2. By filing this writ application, the petitioner is praying for following reliefs:-

“(i) For issuance of an appropriate writ in the nature of Mandamus commanding and directing the respondent to make payment the difference of arrears of salary i.e. D.A., H.R.A., City compensatory allowance and Medical allowance which has not been paid for the period of 01.01.2006 to Sept.2010 on account of revision of pay scale of



University and college teachers in revised UGC scale effective from 1.1.2006 after adjusting the paid amount, difference of pension in revised scale w.e.f. 01.09.2016 and other admitted dues.

(ii) For a direction to the respondent to make payment the aforesaid dues with interest at the rate of 12% in view of order dated 7.5.2013 passed in CWJC no. 14633 of 2010.

(iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioners shall be found entitled under the facts and circumstances of the case.”

3. It is the case of the petitioner that after his appointment as Lecturer, he was promoted to the post of Reader under Time Bound Promotion Statute with effect from 07.08.1986.

4. Learned counsel for the petitioner submits that the case of the petitioner 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 ‘7’ to the writ application.

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 this petitioner would be covered by the earlier judgment of this Court rendered in CWJC No. 9488 of 2015 (Annexure '6' to the writ application), hence, this Court deems it just and proper to direct the University as well as the State to consider the case of the petitioner in the light of the Bihar Litigation Policy, 2011 and, in case, it is found that the



petitioner is 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 this petitioner within a reasonable period.

9. This writ application is disposed of with aforesaid observations and directions.

(Rajeev Ranjan Prasad, J)

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