

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8029 of 2022

Dr. Binoda Nand Jha, S/o Late Magni Jha, Resident of Pirojgarh, P.S.- Ghoghardiha, District- Madhubani, retired as Associate Professor in the Department of Political Science, C.M.B. College Deorh, Ghoghardiha, District- Madhubani.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Director, Higher Education, Govt. of Bihar, New Secretariat, Patna.
3. The Vice- Chancellor, L.N. Mithila University, Darbhanga.
4. The Registrar, L.N. Mithila University, Darbhanga.
5. The Finance Officer, L.N. Mithila University, Darbhanga.
6. The Principal, C.M.B. College, Deorh, Ghoghardiha, District- Madhubani.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Shashi Bhushan Singh, Advocate
For the State	:	Mr. Narendra Kumar, AC to GP- 20
For the LNMU	:	Mr. Md. Nadim Seraj, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 08-09-2023 Heard learned counsel for the petitioner, learned counsel for the L.N. Mithila 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 Mandamus, commanding and directing the respondent to make payment the difference of arrears of salary i.e. only D.A., H.R.A. and M.A. which is part of salary for the period of 01.01.2006 to March 2010 on account of revision of pay scale of University and college teachers in revised UGC scale effective from 1.1.2006 which



has not been paid to the petitioner.

(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 petitioner 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 on the recommendation of the Bihar State University (Constituent Colleges) Service Commission with effect from 14.09.1992.

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 CWJC No. 4485 of 2022 (Dr. Kamal Kishore Singh Vs. The State of Bihar and Ors). The present case has been heard side by side with CWJC No. 4485 of 2022.

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. Copy of the judgment is Annexure '4' to the present writ application.

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 and CWJC No. 17983 of 2016, 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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