

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13127 of 2014

Dr. Anil Kumar Sinha Son of Late Satya Narayan Prasad Resident of
Mohalla- Sikandarpur, P.S. - Mojahidpur, Town and District - Bhagalpur.

... .. Petitioner/s

Versus

1. The T.M. Bhagalpur University, Bhagalpur, through its Registrar.
2. The Vice-Chancellor, T.M. Bhagalpur University, Bhagalpur.
3. The Registrar, T.M. Bhagalpur University, Bhagalpur.
4. The Finance Officer, T.M. Bhagalpur University, Bhagalpur.
5. The State of Bihar, through the Principal Secretary, Education Department,
Government of Bihar, Pat
6. The Special Secretary, Education Department, Govt. of Bihar, Patna.
7. The Director, Higher Education Department, Govt. of Bihar, Patna.
8. The Pay-Verification Cell, Education Department, Govt. of Bihar, Patna
through its Authorised Office
9. The Head, University Department of Zoology, T.M. Bhagalpur University,
Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Advocate
For the Respondent/s	:	Mr. S. K. Jha, GP-3
For the University	:	Ms. Rekha Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 12-10-2023

1. Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant writ application
for the following reliefs:-

*“(i) To hold and declare that in view of the
provisions as contained in Bihar State Universities
Act. 1976, and the relevant Statutes and Ordinances*



made thereunder, the authorities of the Education Department, Govt. of Bihar, Patna, including the Respondent No. 8 have had NO JURISDICTION either to make any change in the effective date of appointment of the petitioner already made decades back, as well the promotions so granted to the petitioner on the post of Reader & University Professor, by the Respondent University, that too. under the recommendations of the Bihar State University Service Commission, Patna University Selection Committee of T.M. Bhagalpur University, Bhagalpur

(ii) To hold and declare that under the provisions of the Bihar State Universities Act, 1976, the pay fixation / pay verification of the salary of the Teaching Employees of the Universities in the State of Bihar including this petitioner, is beyond the domain of the State Govt. Officials, and the same fall within the exclusive domain of the concerned Universities.

**AND CONSEQUENT UPON SUCH
DECLARATION**

(iii) A writ in the nature of Certiorari may be issued for Quashing the pay verification of the Petitioner (Annexure 15) made by the Respondent No. 8. whereby and where under, the Respondent No. 8 has not only altered (shifted ahead) the effective date of appointment:/ promotion of the Petitioner on the post of Lecturer from 11.03.1978 to 10.08.1980. but has also cancelled the promotions of the petitioner on the post of Reader & University Professor as well. in a complete illegal and arbitrary manner.



(iv) To hold and declare that the action of the concerned auditors deployed under Respondent No. 8 in reverting the petitioner (University Professors) to the post of Assistant Professor is highly illegal, arbitrary, malafide, malicious, without jurisdiction and unsustainable in the eye of law and on facts both and is fit to be deprecated by this Hon'ble Court.

(v) To hold and declare that the effective date of promotions of the petitioner on the posts of Lecturer / Reader / University Professor, are as follows:-

SI	Post	DATE OF PROMOTION
1	Lecturer	11.03.1978
2	Reader	<u>11.03.88 (TBPS)- Petitioner not opted</u> 22.12.1986 (MPS)- Petitioner opted
3	University Professor	22.12.1994 (MPS)

(vi) Consequent upon said declaration, a writ in the nature of mandamus may be issued commanding the respondents concerned to grant all due benefits to the petitioner, treating him as validly promoted University Professor w.e.f. **22.12.1994** vide Annexure 13 to this writ petition. i.e. his current as well as arrears of salary as University Professor.

(vii) For grant of any other relief(s) to which the petitioner may be found entitled to in the facts and circumstances of this case:”

3. Learned counsel for the University, at the outset, bring the attention of this Court to the order dated 4.1.2019



passed in the instant case which is reproduced herein below for ready reference:-

*“The learned counsel for the petitioner submits that the petitioner has died during the pendency of the present writ petition, hence liberty be granted to file an appropriate substitution petition. The necessary substitution petition be filed within a period of four weeks from today.
List this case after four weeks.”*

4. No substitution petition has been filed on behalf of the petitioner.

5. Having heard learned counsel for the parties, without entering into the merits of the case of the petitioner, the instant application is disposed of leaving liberty to the heirs of the original petitioner to pursue the grievances raised by the original petitioner in the instant application, if the same have not already been redressed.

6. The application stands disposed of.

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
Uploading Date	16.10.2023
Transmission Date	N/A

