

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.102 of 2014

In
Civil Writ Jurisdiction Case No.12814 of 2010

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1. The State Of Bihar and Ors
 2. The Principal Secretary, Mahila College, Khagaul, Patna A Constituent Unit Under Magadh University, Bodh Gaya
 3. The Principal Secretary, Hrd Higher Education, Govt. Of Bihar, Patna
 4. The Director, Higher Education, Govt. Of Bihar
 5. Magadh University, Bodh Gaya, Through Its Registrar
 6. The Vice-Chancellor, Magadh University, Bodh Gaya
 7. The Registrar, Magadh University, Bodh Gaya
 8. The Finance Officer, Magadh University, Bodh Gaya

... .. Appellant/s

Versus

1. Smt. Ragini Kumari and Ors W/O Sri Navin Kumar R/O Village- Saidpura, P.S.- Kadam Kuan, Distt.- Patna
2. Smt. Madhuri Kumari W/O Sri Ashok Kumar Sinha R/O Karman Tola, Behind Moti Cinema Hall, P.S.- Arrah, District- Bhojpur
3. Smt. Shakuntala Kumari W/O Sri Vishnu Dayal Singh R/O Mohalla- Chitkohra, P.S.- Gardanibagh, Distt- Patna
4. Smt. Nisha Kumari W/O Sri Ramyatna Prasad R/O Village- Ismailpur, P.S.- Hajipur, District- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Brisketu Sharan Pandey
For the Respondent No. 1,2 & 4	:	Mr.Krishore Kr. Thakur, Advocate
		Mr.Shashi Nath Jha, Advocates
For the State	:	Mr. Anjani Kumar, AAG4
		Mr.Deepak Sahay Jamuar, AC to AAG4

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 28-02-2023

In the instant LPA, the State has assailed the order of the learned Single Judge dated 26.11.2012. Respondent-petitioner in CWJC No. 12814 of 2010 has prayed for the following relief:-



“That this writ petition is being filed for issuance of an appropriate writ, writs or orders commanding the respondents to pay the salary to the petitioners due since 09.07.2009 with interest admissible upon the said amount as well as the current salary.”

2. Question for consideration is whether respondent is entitled to salary attached to the post held by her with reference to date of regularization or not?

3. Learned counsel for the appellant submitted that initial appointment of the respondent is not against the sanctioned post, therefore, she is not entitled to salary and so also regularization with effect from 09.07.2009.

4. Perusal of the records, it is evident that regularization order of the respondent has not been withdrawn/modified/cancelled even to this day. Therefore, question for consideration is very limited to the extent whether the respondent is entitled to salary attached to the post with effect from 09.07.2009 or not?

5. Undisputed, facts are that her services were regularized while she was working on *ad hoc* basis. Having regard to the fact that her services were regularised, she is entitled to pay-scale attached to the post against regularised post.

6. We find there is no error committed by the learned Single Judge so as to interfere with the order dated 26.11.2012



passed in CWJC No. 12814 of 2010 on merits. However, we are interfering insofar as award of interest on arrears that respondent is not entitled to 12% interest on arrears of amount, for the reasons that Reserve Bank policy in respect of payment of interest in a circumstances of disbursing fixed or any other circumstances interest cannot be beyond 8% at the relevant point of time, therefore, award of interest @12% to be modified to that of 8%.

7. The concerned appellant is hereby directed to calculate differences of salary which is due to the respondent from 09.07.2009 and disburse the same along with interest @8% per annum within a period of three months from the date of receipt of this order. Failing, which the respondent is entitled to litigation cost which is quantified at Rs. 50,000/- (Rs. Fifty Thousand Only), for the reasons that respondent is before this Court for payment of salary since the year 2010.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
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