

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1217 of 2021

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Roy Renu W/o Late Sujit Kumar Maharaj Resident of Mohalla- Gandhi
Ashram, Hajipur, P.S.- Hajipur Town, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Vice Chancellor, Jai Prakash University, Chapra.
2. The Vice-Chancellor, Jai Prakash University, Chapra.
3. The Registrar, Jai Prakash University, Chapra.
4. The Principal, Rajendra College, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Soni Srivastava, Adv. Mr.Nilesh Sinha
For the J.P. University	:	Mr. Ritesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 08-12-2023 1. The petitioner is aggrieved by the action of the respondent – Jai Prakash University, Chapra of non payment of salary from May, 2014 up till now.

2. Ms. Soni Srivastava, learned counsel appearing for the petitioner submits that petitioner’s husband was working as a “Driver” on daily wages in Rajendra College, Chapra who died in harness on 12.08.2010. After his death, the petitioner being the wife of the deceased employee was given appointment on contract basis on class IV vide office order dated 04.12.2010 issued by the Principal of the College. Thereafter, petitioner started getting her salary and she was considered for compassionate appointment in the meeting dated 06-09-2011 of



the Compassionate Committee which made recommendation of ten persons including the petitioner for appointment on Class IV post in Rajendra College, Chapra. In pursuance thereof the petitioner was issued appointment letter vide Memo No. 3597 of 21.10.2011 under the signature of Registrar, Jai Prakash University, Chapra. Since then, the petitioner started her duties as a “Peon” in Rajendra College, Chapra and was getting her due salary. However, from May, 2014 salary of petitioner has been stopped without assigning any reason. Accordingly, the petitioner has preferred this writ application for grant of salary.

3. On the other hand, learned counsel appearing for the University submits that initial appointment on compassionate ground of the petitioner itself was illegal inasmuch as the petitioner’s husband was not a regular employee on vacant sanctioned post of “Peon” and was a personal “Driver” of the Principal of Rajendra College, Chapra that too for a short period of two months. The salary to the petitioner’s husband was paid not from the University fund but from the college fund. The University has started a departmental proceeding against the petitioner i.e. Annexure -2A of the I.A. No. 2 of 2022 which is still pending. The petitioner has also not worked since 2014 and has filed the present writ application



after lapse of seven years in 2021 demanding her salary.

4. Having heard learned counsel for the parties and taking into consideration the fact that departmental proceeding against the petitioner initiated on 20.08.2022 is still pending and according to the University the petitioner has not worked since May, 2014, accordingly, I do not find any merit in this writ application. The application is dismissed accordingly.

5. However, payment of salary to the petitioner shall depend upon the final outcome of the departmental proceeding which is directed to be completed within a period of four months from today.

(Anil Kumar Sinha, J)

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