

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10449 of 2022

Sikandar Prasad Yadav, Son of Tanuk Lal Yadav, Resident of Mohalla- Jay Prakash Nagar, Purnea, P.O. and P.S. Purnea, District- Purnea, the retired Associate Professor (Lecturer Selection Grade), Department of Economic, M.L. Arya College, Kasba, District- Purnea.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Education Department, Government of Bihar, Patna.
4. The Vice Chancellor, B.N. Mandal University, Madhepura.
5. The Registrar, B.N. Mandal University, Madhepura.
6. The Finance Officer, B.N. Mandal University, Madhepura.
7. The Vice Chancellor, Purnea University, Purnea.
8. The Registrar, Purnea University, Purnea.
9. The Finance Officer, Purnea University, Purnea.
10. The Principal, M.L. Arya College, Kasba, District- Purnea.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Vijay Kumar Singh, Advocate
For the State	:	Mr. Jai Prabhat Kishore, AC to SC- 13
For the B.N. University	:	Mr. Shashi Bhushan Singh, Advocate
For the Purnea University	:	Mr. Rakesh Kumar Samrendra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-09-2023 Heard learned counsel for the petitioner, learned counsel for the B.N. Mandal University, learned counsel for the Purnea University (hereinafter referred to as the 'University') and learned counsel for the State.

2. This writ application has been filed for the following reliefs:-

“(I) For issuance of an appropriate writ in the nature of MANDAMUS commanding and



directing the Respondent Authorities to revise the salary of the petitioner in promoted scale i.e. Rs.12,000-18,300 with Ph.D. incentives from the date of his promotion i.e. 27.07.2003 to the post of Associate Professor (Lecturer Selection Grade) under the Career Advancement Scheme pursuant to the notification contained in memo no. 109/19 dated 28.01.2019 issued by the Respondent B.N. Mandal University under the signature of the Respondent no.5 and the subsequent notification contained in memo no. PUP(Prom-109/19)-R/21-126 dated 01.03.2021 issued by the Purnea University under the signature of the Respondent no.8.

(II) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to pay the differences of arrears of salary and other consequential monetary benefits from the respective date of their promotion to the rank of Associate Professor (Lecturer Selection Grade) with interest.

(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. The Purnea University has filed a counter affidavit in which a statement has been made that the respondent University has already fixed the pay of the petitioner on the basis of the promotion and notified the pay fixation vide Letter No. PUP/AC/299/22 dated 21.07.2022 (Annexure ‘A’ to the counter affidavit of Respondent No. 7 to 9).

4. In paragraph ‘8’ of the counter affidavit, it is stated that a letter has been issued to the Principal of the M.L. Arya



College, Kasba, Purnea to upload the pay fixation slip on the End to End Solution Software Portal so that the pay verification cell of Bihar Government may issue pay slip of petitioner after due verification. It is stated that after issuance of pay slip from Pay Verification Cell of Bihar Government, the legitimate monetary claim will be sought from the College and after release of the fund, the petitioner's legitimate monetary claim will be paid.

5. From the order dated 30.11.2022 passed by this Court, it appears that this Court has taken note of the stand of the University and observed as under:-

“It is expected that the respondent shall release the amount within a period of two months.”

6. After the aforesaid order was passed, the State respondents have filed a counter affidavit in which it is stated that the State Government is regularly releasing grants to the Universities for payment of salary/retiral benefits to the employees of the Universities. The State Government does not provide grant for payment of particular employee. Accordingly, the Education Department vide its Letter No. 120 dated 18.01.2023 directed the Registrar of the University to make payment to the petitioner out of the funds available with the University. Annexure 'A' to the counter affidavit is a copy of the



Letter No. 120 dated 18.01.2023.

7. On perusal of Annexure 'A' to the counter affidavit of the State respondents, it appears that the Director, Higher Education has issued a direction to the Registrar of the Purnea University, Purnea to make payment to the petitioner in accordance with law from the available funds.

8. Mr. Shashi Bhushan Singh, learned counsel representing the B.N. Mandal University submits that the dues of the period prior to 31st March, 2018 shall be paid by the B.N. Mandal University.

9. In the aforesaid view of the matter, this writ application is being disposed of with a direction to the Registrar, Purnea University, Purnea as well as the Registrar, B.N. Mandal University to act as per the direction of the Director, Higher Education as contained in Annexure 'A' to the counter affidavit and ensure that all legal and valid dues of the petitioner be paid within a period of two months from the date of receipt/production of a copy of this order.

10. In case, the petitioner has any grievance with the fixation of the pay in the promotional scale of Associate Professor, he will be at liberty to file an appropriate representation before the Vice-Chancellor of the University who



will examine the grievance of the petitioner and take appropriate remedial measures to address the said grievance within a period of three months from the date of receipt of such representation.

11. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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