

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2309 of 2023

In
Letters Patent Appeal No.102 of 2014

-
1. (Smt). Ragini Kumari, W/o Sri Navin Kumar, Resident of village- Saidpura, Gandhi School Road, (A.B. Niketan School Campus) P.O. and P.S.- Khagaul, Distt.-Patna- 801105.
 2. (Smt). Madhuri Kumari, W/o Sri Ashok Kumar Sinha, Resident of Karman Tola, Behind Moti Cinema Hall, P.S.- Ara, Distt.-Ara (Bhojpur).
 3. (Smt). Nisha Kumari, W/o Sri Ram Yatan Prasad, Resident of near Rail Neer, Jamaluddin Chak, At and P.O.- Khagaul, Distt.- Patna -801105.

... .. Petitioners.

Versus

1. The State of Bihar through the Principal Secretary, HRD, Higher Education, Govt. of Bihar, New Secretariat, Patna.
2. Sri K.K. Pathak, Principal Secretary Cum Addl. Chief Secretary, HRD Higher Education, Govt. of Bihar, New Secretariat, Patna.
3. Smt. Rekha Kumari, the Director, Department of Higher Education, Govt. of Bihar, New Secretariat, Patna.
4. Sri (Dr) Samir Kumar Sharma, the Registrar, Magadh University, Bodh Gaya.
5. Smt. (Prof.) Shalini, the Registrar, Pataliputra University, Patna.
6. Dr. Usha Vidyarthi, the Principal, Mahila College, Khagaul, Patna.

... .. Opposite Parties.

Appearance :

For the Petitioners	:	Mr. Shashi Nath Jha, Advocate.
For the State	:	Mr. Sarvesh Kumar Singh (AAG-13).
For Magadh University	:	Mr. Amitabh Soham, Advocate.
For Patliputra University:		Mr. Rana Vikram Singh, Advocate.
		Ms. Rasika, Advocate.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

7 24-11-2023 The present M.J.C. petition is filed for non-compliance of the orders of this Court passed in L.P.A. No.102 of 2014 decided on 28.02.2023.



2. The opposite party no.4 has filed supplementary show cause along with the materials. Perusal of the materials, it is evident that each of the petitioner, namely, Smt. Ragini Kumari, Smt. Madhuri Kumari and Smt. Nisha Kumari, their dues have been settled for the period commencing from the year 2009 to March, 2018. From March, 2018 till retirement of petitioner Smt. Ragini Kumari on 28.02.2021, petitioner Smt. Madhuri Kumari on 30.07.2018 and third petitioner Smt. Nisha Kumari, who is stated to be still working, their dues were required to be settled from April, 2018 and, that too, by the Patliputra University. We have noticed that in C.W.J.C. No.12814 of 2010 read with L.P.A. No.102 of 2014, Patliputra University is not arrayed as a party. Patliputra University has stepped into the shoes of Magadh University so far as service conditions of these petitioners is concerned during the pendency of the litigation in the month of April, 2018. Neither of the respective parties have amended their respective petitions/appeal in impleading the Patliputra University as a necessary and proper party insofar as settling certain portion of the dues of the aforementioned petitioners. Therefore, it is not appropriate to initiate contempt of court proceedings against the Patliputra University. If the petitioners have already approached



the Patliputra University insofar as settlement of their dues from April. 2018 till retirement of first two petitioners and 3rd petitioner Smt. Nisha Kumari as on the relevant date. The Patliputra University is hereby directed to take note of the grievance of the petitioners and redress the same at the earliest and communicate the decision to the respective petitioners within a period of three months from the date of receipt of this order. Disposal of the present M.J.C. petition would not be hurdle for the petitioners to invoke appropriate remedy with reference to the decision to be taken by Patliputra University.

3. Accordingly, the present M.J.C./Contempt Petition stands dropped reserving liberty to the petitioners to question the validity of calculation made by the Magadh University followed by payment made by the college authorities, if it is disputed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

P.S./-

U			
---	--	--	--

