

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18433 of 2019

Dr. Deo Narayan Yadav S/o Anup Lal Prasad Yadav Resident of Hawaii Adda Road, Court Station, P.o.- Purnea, P.s.- K. Hatt, Distt.- Purnea, presently posted as Associate professor, Political Science, Purnea College, Purnea

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary Education Department, Govt. of Bihar, Patna
3. The Director Higher Education Education Department, Govt. 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 Purnea College, Purnea

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
Mr. Abhinav Shandilya, Advocate
For the State : Mr. Kumaresh Singh, AC to SC-28
For the B.N.Mandal University: Mr. Ritesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 22-08-2023 Let the counter affidavit be taken on the record.

2. This writ application has been filed seeking a direction to the respondent authorities to make payment of difference of salary amount to the tune of Rs.16,62,811/- with interest as may be calculated by the college on 18.02.2019 pursuant to the authority slip issued by the Pay Verification Cell (PVC) of the Education Department, Government of Bihar.

3. A counter affidavit has been filed on behalf of the



respondent nos.2 and 3 wherein it is stated that the onus lies on the University to examine the claim made by the petitioner in the present writ application. It is further stated that the State Government releases grant in aid to the different Universities regularly for payment of regular salaries as well as payment of retiral benefits to its regular employees.

4. A counter affidavit has also been filed on behalf of respondent nos. 4 to 6. In paragraph '6' of the counter affidavit it is stated that vide letter no.A/C 349/23 dated 11.08.2023 issued under the signature of the Registrar of the University addressed to the Director, Higher Education, Department of Education, Government of Bihar a request has been made for release of Rs.11,95,874/- for making payment to the petitioner towards his arrears of salary for the period January 2006 to December 2015. The arrears after December 2015 i.e. from January 2016 onwards will be paid by Purnea University, Purnea.

5. No counter affidavit has been filed on behalf of Purnea University. Learned counsel for the University is not present, however, learned AC to SC-28 for the State is present.

6. Having regard to the reliefs prayed in the writ application and the stand taken on behalf of the respondents in



their respective counter affidavits, this Court finds that there is no dispute that the petitioner is entitled for payment of his difference of salary amount. The respondent nos. 4 to 6 admits the claim of the petitioner to the extent of Rs. 11,95,874/- for which funds have been requisitioned from the State government.

7. Taking note of the stand of the State Government that it is the State which is providing funds for payment of these amounts to the University, this Court directs the State of Bihar to make available the required funds to the University within a period of three months from today towards payment of the outstanding amount on account of the arrears towards difference of salary for the period January 2006 to December 2015.

8. As regards the claim of the petitioner after January, 2006 is concerned, this Court directs the Vice-Chancellor, Registrar and Finance Officer of the Purnea University and the Principal, Purnea College, Purnea (Respondent nos.7 to 10) to examine the claim of the petitioner within a period of one month from today and requisition the funds towards payment of the outstanding arrears arising out of difference of salary to the petitioner. On such requisition being made, the State of Bihar shall make available the required funds within the aforesaid period of three months from the date of receipt of the



requisition.

9. In case the petitioner has any grievance with respect to the quantum of difference of salary paid to him by the two Universities, he would be at liberty to represent.

10. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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