

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2938 of 2022

Dr. Arbind Kumar Yadav Son of Late Jayanti Prasad Yadav, Resident of Professors Colony, Gangajala, Ward No. 16, P.S. and District-Saharsa, At Present Associate Professor Department of English, M.I.T. College, Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar Through, the Principal Secretary, Education Department, Govt. of Bihar, New Secretariat Patna.
2. The Vice-Chancellor, Bhupendra Narayan Mandal University, Madhepura, P.O. and District-Madhepura (Bihar).
3. The Registrar, Bhupendra Narayan Mandal, University, Madhepura, P.O. and District-Madhepura.
4. The Financial Advisor, Bhupendra Narayan Mandal, University, Madhepura, P.O. and District-Madhepura.
5. The Principal, M.L.T. College, Saharsa P.O. and District-Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manindra Kishore Singh, Adv.
For the Respondent/s : Mr. Madanjeet Kumar, GP-20

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 25-04-2024

Heard learned counsels for the parties.

2. By the present writ application, the petitioner seeks a direction to the respondent concern to pay the arrears of difference of salary and other admissible increments to the petitioner from the date of promotion as Senior Assistant Professor i.e. 27.07.1998 to date of promotion in the pay scale of Associate Professor i.e. 27.07.2016 on wards up to 31.12.2015, which is amounting to Rs. 46,14012/-(Forty Six



Lakh Fourteen Thousand and Twelve only), as per the bill prepared by Office of the college and sent to Registrar, B.N. Mandal University, Madhepura.

3. Learned counsel for the petitioner submitted that the petitioner has sent the details of bills to the University for payment of arrears of salary difference before Registrar of University which was signed by Accountant, Bursar and Principal, M.L.T. College, Saharsa on 28.10.2020 itself.

4. It is further submitted that the petitioner has also filed representation before the Registrar, B.N.M.U. Madhepura for the payment of difference of salary from 27.07.1998 to 31.12.2015 on 16.10.2020. Thereafter, he also sent reminders on 23.11.2020 and 31.07.2021 before the Registrar, B.N.M.U. Madhepura for considering his grievances, but the respondents concerned have not taken any decision on the said representation.

5. On the other hand, learned counsel for the State submitted that the Education Department vide its Letter No. 598 dated 20.05.2022 requested the Registrar of the University to requisition the amount for payment of arrears to the petitioner after getting the calculation verified by the PVC as per letter no. 699 dated 19.03.2019 issued by the



Department. A reminder letter in this regard has also been sent vide Department letter no. 1396 dated 06.09.2022. It is further submitted that in view of the aforesaid letter of the Education Department, action of the University is still awaited.

7. Learned counsel for the University submitted that the University has already sent the request letter to the Director (Higher Education), Government of Bihar, bearing letter No.A/C149/22 dated 12.05.2022, for the purpose of releasing the fund (Annexure-A of the counter affidavit on behalf of respondent nos. 2 to 4), but till date nothing has been done in this regard.

8. From the pleadings advanced on behalf of the parties, it is evident that the University has sent requisition to the State authority to release the fund for payment of arrears to the petitioner but the State did not pay heed on the same.

9. In that view of the matter, I have no option but to dispose of the writ application directing the State to release the fund for payment of arrears to the petitioner within a period of ten weeks from the date of the receipt/production of a copy of this order. It is made clear that if the payment is not made to the petitioner within the period as aforesaid, the State shall be liable to pay simple interest at the rate of 6%



per annum from the date of the order till the date of actual payment.

10. With the aforesaid observation and direction, the writ application stands disposed of.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.05.2024
Transmission Date	NA

