

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5379 of 2023

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1. Devendra Jha Son of Late Surendra Jha, Resident of Village- Tharhi, P.S.- Andhra Tharhi, Dist.- Madhubani.
 2. Ratish Jha Son of Late Ramchandra Jha, Resident of Village- Tharhi, P.S.- Andhra Tharhi, Dist.- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Education Department Govt. of Bihar, Patna.
2. The Directory of Higher Education Department, Govt. of Bihar, Patna.
3. The Kameshwar Singh Darbhanga Sanskrit University, Darbhanga through its Registrar.
4. The Vice-Chancellor of Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
5. The Registrar of Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Jha, Advocate
For the Respondent/s	:	Mr. Madhaw Pd. Yadaw (Gp23)
		Mr. Sanjay Kumar, AC to GP- 23
For the University	:	Mr. Deepak Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA

ORAL JUDGMENT

Date : 02-09-2024

Heard learned counsel for the parties.

2. There are two petitioners in the present writ petition.

According to the learned counsel for the petitioners, the prayer of petitioner No. 1 is for payment of salary from March, 2011 till the date of retirement of the petitioner No. 1 on July, 2015. The prayer of petitioner No. 2 is for payment of salary from June, 2011 till the date of retirement of the petitioner No. 2, which is stated to be



August, 2017. Both the petitioners, according to learned counsel for the petitioners, retired from service while working as Assistant Professor in Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.

3. Respondent Nos. 4 and 5/Kameshwar Singh Darbhanga Sanskrit University, Darbhanga have filed a counter affidavit, wherein, in Paragraph No. 17, it has been stated that the University has no role in stopping the salary of the petitioner. University has released the salary of the petitioners till the time it had received from the State Government.

4. Learned counsel for the State has not filed any counter affidavit, despite the writ petition pending since 2022.

5. Learned counsel for the petitioners also submits that the case of the petitioners is covered by the order of this Court passed in C.W.J.C. No. 250 of 2019.

6. Under the circumstances, since the counter affidavit by the State has not been filed and the University Authorities have shifted the onus of payment of the salary claimed by the petitioners to the State Government, this writ petition is hereby disposed of with a direction to the respondent-State, more particularly, respondent Nos. 1 and 2 to examine the claim of the



petitioners and pass an appropriate order within a period of one month from today.

7. Mr. Sanjay Kumar, learned State counsel undertakes to communicate this order to the State Authorities for doing the needful.

8. The writ petition stands disposed of with the above directions.

(Nani Tagia, J)

Siddharth
Sagar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.09.2024
Transmission Date	NA

