

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8299 of 2019

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Sri Dr. Nagendra Mishra Associate Professor, Department of Philosophy,
R.P.M. College, Patna City

... .. Petitioner/s

Versus

1. Magadh University, Bodh Gaya through its Vice-Chancellor
2. The Registrar Magadh University, Bodh Gaya
3. The Principal R.P.M. College, Patna City, Patliputra University

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dudh Nath Singh
For the Respondent/s	:	Mr. Sriram Krishna
		Mr. Shailendra Kumar Singh
		Mr. Prabhat Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 12-02-2024

Heard Mr. Dudh Nath Singh, learned counsel for the petitioner, Mr. Sriram Krishna, learned counsel for the Magadh University (respondent nos. 1&2) and Ms. Rashika, learned counsel for the Patliputra University.

2. The present writ application is filed for the following relief/reliefs:

- (i) For issuance of direction/directions or order/orders or writ/writs particularly in the nature of Mandamus for commanding and directing the respondent-authorities to make the payment of admitted dues of Rs. 1,39,233/- and Rs. 4,38,080 which lying dues on account of fixation of pay as well as promotion in the shape of difference of arrears of salary.
- (ii) For issuance of direction or order or an appro-



priate writ to the respondents to make payment of penal interest on account of delay from the date of its accrual till the date of payment at the rate of 12% per annum.

(iii) For any other relief or reliefs to which the petitioner is found fit under the facts and circumstances of this case.

3. It is submitted on behalf of the petitioner that petitioner was selected and appointed on the post of Lecturer through the State University (Constituent Unit) Service Commission, Patna in the year 2003. After his joining on the said post, he was transferred from the aforesaid college to R.P.M. College, Patna City in the year 2006 where he promoted to the post of Lecturer in Sr. Scale vide Memo No. PC/548/2012 dated 09.02.2012 with effect from 01.08.2007. Thereafter, on the recommendation of the selection committee and approval accrued by the Syndicate, he was promoted to the post of Reader. Thereafter, he was promoted from the post of Reader to the post of Associate Professor with effect from 01.08.2015 as the same is evident from Annexure-1 to this writ petition itself. It is further submitted that despite the aforesaid promotion, the petitioner has not been accorded the consequential financial benefit on account of promotion till date. Being harassed, he made his claim before the Authority properly and after proper scrutiny, his claim was found correct and accordingly, certificate was issued on 30.09.2016 by the Principal



of R.P.M. College, Patna City.

4. Learned counsel for the Magadh University-respondent no.1 filed a counter affidavit in which in Para 8 & 9, it is stated that respondent no.3 i.e. Principal of the college has sent the required bills related to the demand of the petitioner vide letter no. 256 of 2017 dated 13.12.2017 and again a fresh letter dated 24.08.2019 has also been sent to the Registrar, Magadh University, Bodh Gaya along with the arrear bill for Rs. 4,38,080/-.

5. Learned counsel for the respondent nos. 1 & 2 filed a detailed counter affidavit stating therein that Rs. 282 Crores is lying with the University may be utilized for the purpose of redressing the grievances of the petitioner in respect of the retiral dues and arrears on account of 7th Pay Revision etc. The State Government had stated therein that Rs. 282 crores lying in the different accounts of the University accumulated by internal resources could be utilised in the payment of retiral dues of the employees. In so far as the funds accumulated and available in the different accounts of the University is concerned, the amount taken from the affiliated colleges for the purpose of inspection fees and security is refundable. Therefore, from that ground, the University is not in position to pay the arrear of the petitioner.

6. Learned counsel for the University further submits that the



State Government vide its letter dated 27.09.2023, contained in Memo No. 3614, has admitted and assured to release the additional grant of Rs. 422.95 crore as required for the payment. The State Government has also stated in the said letter that the process for the payment has been initiated. Learned counsel for the University further submits that when he received the said amount, the arrear of the petitioner will be paid to him.

7. Considering the arguments of the parties, Vice Chancellor and Registrar of Magadh University (respondent nos. 1&2) are directed to pay the admitted dues of the petitioner within a period of six months from the date of receipt/production of a copy of this order.

8. It is made clear that Vice-Chancellor and Registrar of the Magadh University (respondent nos. 1&2) shall be liable for non-compliance of this order.

9. With the aforesaid direction, this writ petition is disposed of.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.02.2024
Transmission Date	NA

