

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9442 of 2019

Binod Kumar Raut Son of Jago Lal Raut Resident of Village- Nayagaon,
Baddipara, P.S.- Jamalpur, District- Munger. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Vice Chancellor, Munger University, Munger. (Previous under Tilka Manjhi University.
3. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
4. The Registrar, Munger University, Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Pandey, Adv.
For the Respondent/s	:	Mr. Jai Prabhat Kishore, AC to SC-13
For TMBU	:	Mr. Amit Kumar, Adv.
For Munger University	:	Mr. Rashid Izhar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 08-04-2024 Heard learned counsel for the parties.

2. The present writ petition has been filed for the following relief(s):-

(A) A writ in the nature of mandamus or any other appropriate writ order/s, direction/s commanding the Respondents for the following:-

(i) To direct the Respondent authorities to revise the pay scale of the petitioner to the pay scale of 5500-9000 in furtherance of the judgment/order of the Hon'ble Supreme Court of India passed in Contempt Petition (Civil) No. 262/2013 passed in Civil Appeal No. 516/2013, The Bihar State University and College Employees Federation Vs. Ashok Kumar and Ors.

(ii) To direct authorities the pay Respondent to the to petitioner the difference of his salary in the form of arrears since the date he is entitled to be revised to the given pay scale of 5500-9000.

(iii) To hold that the petitioner is legally entitled to receive the revised pay-scale of 5500-9000



and the salary in the form of arrears since the date he is entitled to receive such revised pay-scale.

(B) To any other relief/s to which the petitioner is found entitled to.

3. From the counter affidavit filed on behalf of Respondent No.3/Tilka Manjhi Bhagalpur University, Bhagalpur, it is evident that the appointment of the petitioner was made *vide* office Order No. 96/08 dated 17.05.2008 as contained in Memo No. Estd./Gope/66/08-C/3908-4000 dated 17.05.2008 on the recommendation of the Department of Education, Government of Bihar, Patna. At present, the petitioner is serving at J.R.S. College, Jamalpur which falls under the jurisdiction of Munger University, Munger. As per Notification issued by the Department of Education, Government of Bihar, Patna *vide* Memo no. 15/M 1-71/2016, all the records, control of all administrative and academic works of all the Degree Colleges (except Begusarai District) falling under the territorial jurisdiction of Munger Division, will be vested in Munger University, Munger w.e.f. 18.03.2018. Even the assets and liabilities of all the constituent colleges falling under the jurisdiction of Munger University, Munger will be declared under the jurisdiction of Munger, University Munger w.e.f. 18.03.2018.



4. Therefore, it is prayed that all the payments will be made by the Munger University.

5. From the counter affidavit filed on behalf of Munger University, it is apparent that the Pay Verification Cell of the Government of Bihar has verified the pay entitlement of the petitioner and after due scrutiny, the pay entitled to the petitioner is being directed to be paid *vide* Anneuxre R1 but so far as the previous dues is concerned, that has to be paid by the Bhagalpur University.

6. Considering all the facts and circumstances of the case and the submissions advanced on behalf of the parties and having perused the records, I direct the petitioner to file fresh representations before both the Universities i.e., respondents no. 2 and 3 respectively along with all supporting documents within a period of two weeks and the respondents no. 2 and 3 are well advised to consider the case of the petitioner after providing opportunity of personal hearing or through his counsel and pass a reasoned and speaking order in accordance with law within 12 weeks thereafter. Any order passed shall be communicated to the petitioner.

7. It is made clear that the respondent nos. 2 and 3 shall be liable for non-compliance of this order.



8. With the aforesaid direction, the writ application
stands disposed of.

(Anjani Kumar Sharan, J)

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