

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20736 of 2014

- 1.1. Most. Savita Devi Wife of Late Lalan Prasad Sharma, Sarai Sayed Ali lane, Technical Chowk, Naya Tola, Muzaffarpur, Bihar.
- 1.2. Pankaj Kumar, Son of Late Lalan Prasad Sharma, Sarai Sayed Ali lane, Technical Chowk, Naya Tola, Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, New Secretariat, Patna (Bihar).
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, New Secretariat, Patna (Bihar).
3. The Secretary (Higher Education), Human Resources Development Department, Government of Bihar, New Secretariat, Patna (Bihar).
4. The Secretary, (Managing Committee), Sri Krishna Jubilee Law College, Muzaffarpur, District- Muzaffarpur.
5. Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur, through its Vice- chancellor.
6. Vice - chancellor, Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur.
7. The Finance Controller, Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeet Kumar, Advocate
For the Respondent/s	:	Mr. Ashok Kumar Keshri, Advocate
For B.B.R.A. University, Muzaffarpur	:	Mr. Satyendra Narayan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 09-01-2024

1. Heard learned counsel for the petitioners and learned counsel for the respondents.

2. The petitioner has filed the instant application for the following relief(s):



“That the present writ application is being filed on behalf of the sole petitioner; for direction upon the respondents to make payment to the petitioner the arrears of the dearness allowance since 01.04.1992 to 31.01.2011, total amounting to Rs.3,78,863/-, along with interest at the rate of 12% per annum, from the date of due to the actual date of payment aforesaid due and/or for issuance of any other appropriate writ/writs, order/orders, direction/directions for which the petitioner would be found entitled in the facts and circumstances of the case.”

3. The case of the petitioner in brief is that he was appointed on the post of Librarian on 17.7.1969 by the Managing Committee of the college ie Sri Krishna Jubilee Law college which is an affiliated college of the Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur (hereinafter referred to as “the University”).

4. Bereft of unnecessary details learned counsel appearing for the University submits that the petitioner had moved this Court earlier in CWJC no.971 of 2012 which was disposed of by order dated 16.1.2012 (Annexure-1) directing the University to consider the representation of the petitioner and to pass appropriate orders with necessary directions to the college. The representation of the petitioner was considered and rejected by order dated 8.1.2013 (Annexure-3) passed by the Vice



Chancellor of the University. Learned counsel referring to the order of the Vice Chancellor submits that it is not in dispute that the petitioner superannuated from service of the college which is an affiliated college of the University. So far as affiliated colleges are concerned, it is an admitted position that payment of salary/dearness allowance etc. are not the liability of the University and the State Government is not giving any grant for the payment of salary etc. to persons like the petitioner working in such colleges. In reference to the payment made to the other employees namely Pavitra Singh and Late Lakhan Rai, it has been stated in paragraph no.10 of the counter affidavit of respondent nos.5 to 7 that the same was an error committed on part of the then University officials in view of the pendency of the contempt application and the petitioner and other similarly situated persons of the college are not entitled to claim any salary or allowances from the University or the State Government.

5. No reply to the counter affidavit of the University or the State Government has been filed on behalf of the petitioner.

6. Having heard learned counsel for the parties and taking into consideration the categorical stand of the University in the order dated 8.1.2013 passed by the Vice Chancellor of the



University as also the submissions made by learned counsel appearing for the University as stated herein above, the Court finds no merit in the instant application and the same is dismissed.

(Partha Sarthy, J)

Saurabh/-

AFR/NAFR	
CAV DATE	
Uploading Date	11.01.2024
Transmission Date	

