

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8377 of 2022

1. Pro. (Dr.) Madhu Pandey W/o Alok Nath Tripathi Resident of House No. 72, Aditya Nagar Colony, Baily Road, Jagdeo Path Rukanpura, B.V. College, Patna, Bihar, Presently posted as University Professor in the subject of Psychology, B.S. College, Danapur.
2. Pro. (Dr.) Reeta Kumari C/o Jagdish Narayan 103D, Ashirwad Enclave, South of Himgiri Apartment, Anandpuri, Boring Road, Patna, Presently posted as University Professor in the subject of Economics, B.S. College, Danapur.
3. Dr. Rita Gupta W/o Pramod Kumar Gupta Resident of 1/45 Kedarkuti, Viveka Nand Marg, Opposite Giriraj Apartment, North S.K. Puri, Boring Road, Patna, Presently posted as Associate Professor in the subject of Zoology, B.S. College, Danapur.
4. Sanjay Kumar C/o Lakshameshwar Narayan Sinha, Resident of 401, Godawari Complex, Street N9 Ranjan Path Danapur, Patna, Presently posted as Associate Professor, in the subject of Economics B.S. College, Danapur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Vice Chancellor, Magadh University, Bodh Gaya.
4. The Registrar, Magadh University, Bodh Gaya.
5. The Finance Officer, Magadh University, Bodh Gaya.
6. The Vice Chancellor, Patliputra University, Patna.
7. The Registrar, Patliputra University, Patna.
8. The Finance Officer, Patliputra University, Patna.
9. The Principal, B.S. College, Danapur, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s	:	Mr. Subhash Chandra Mishra (Sc 16)
		Mr. Madhukar Mishra, AC to SC- 16
For Magadh University	:	Mr. Om Prakash Kumar, Advocate
For Patliputra University	:	Mr. Rana Vikram Singh, Advocate
		Ms. Rasika, Advocate
		Ms. Priti, Advocate

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 20-08-2024

Heard Mr. Shashi Bhushan Singh, learned counsel for
the petitioner, Mr. Madhukar Mishra, learned State counsel



representing respondent Nos. 1 and 2, Mr. Om Prakash Kumar, learned counsel for the Magadh University / respondent Nos. 3, 4 and 5 and Ms. Priti, learned counsel for the Patliputra University / respondent Nos. 6, 7 and 8.

2. The petitioners, four in numbers, who are Professors (petitioner Nos. 1 and 2) and Associate Professors (petitioner Nos. 3 and 4) in the Patliputra University, have filed this writ petition praying for a direction to the Magadh University for payment of difference of arrears of salary on account of revision of pay from time to time as well as promotion given to them on the higher post, while they were working at Magadh University.

3. The details of the claims made by the petitioners have been highlighted in paragraph Nos. 16 and 17 of the writ petition, which reads as under:-

“16. That, after issuance of pay slip by the Pay Verification Cell, the principal of the college sent letter to the Registrar, of the university for making payment the dues to the petitioner and other teachers of the college but no action has been taken thereupon.

17. That, as per details given by the principal of the college vide letter No. 779 dated 23.12.2019 whereby the claim of the petitioner only upto 2011 is as follows:-



(i) Dr. Madhu Pandey – Rs. 821276/-

(ii) Dr. Reeta Kumari – Rs. 1220580/-

(iii) Dr. Rita Gupta – Rs. 841397/-

(iv) Sanjay Kumar – Rs. 355144/-

Even after reminder sent by the principal of the college to the University no action has been taken regarding payment to the petitioners.”

4. According to the petitioners, the aforesaid claim of arrears of salary of the petitioners is for the period upto 2011, while they were working at Magadh University.

5. The respondent No. 2 has filed a counter affidavit stating that the issue raised by the petitioners relates to the respondent Universities, therefore, it is incumbent upon the respondent Universities to look into the matter.

6. None of the respondent Universities have filed counter affidavit.

7. Notice to the respondents was issued on 18.08.2022. On 01.07.2024, on the prayer of learned counsel for the universities, two weeks' time was granted for filing of counter affidavit. Again on 18.07.2024, on the prayer of learned counsel for the respondents, four weeks' further time was granted for filing of counter affidavit.



8. Learned counsel for the respondent Universities, more particularly, learned counsel for the Magadh University while praying for last indulgence to file counter affidavit has informed this Court that he has not been furnished with the statement of facts for filing of counter affidavit by the Magadh University.

9. It, therefore, appears that the University authorities, more particularly, the Magadh University authorities are not co-operating with their counsel, despite, in receipt of the notice since the year 2022.

10. Under the aforesaid circumstances, this Court is made to believe that the respondent Magadh University has no comments to offer contradictory averments made by the petitioners in paragraph Nos. 16 and 17 of the writ petition.

11. Accordingly, taking the averments made in paragraph Nos. 16 and 17 of the writ petition by the petitioners to be correct, this writ petition is hereby disposed of with a direction to the Magadh University / respondent Nos. 3, 4 and 5 to pay to the petitioners, the difference of arrears of salary as claimed in paragraph No. 17 of the writ petition, which has been highlighted hereinabove, within a period of four weeks from the date of receipt of certified copy of this order.



12. The writ petition is disposed of with the above directions.

(Nani Tagia, J)

Siddharth
Sagar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.08.2024
Transmission Date	NA

