

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13349 of 2015

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Baleshwar Ojha S/o Late Deodhary Ojha, Resident of Vill.- Khabra, P.S.-
Sadar, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Higher Education, Govt. of Bihar, Patna.
2. Vice Chancellor, B.R.A. Bihar University, Muzaffarpur
3. Registrar, B.R.A. Bihar University, Muzaffarpur
4. Finance Officer, B.R.A. Bihar University, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Parasmani, Advocate
For the State	:	Mr. Sheo Shankar Prasad, S.C.8
		Mr. Sanjay Kumar, A.C. to S.C.8
For the University	:	Mr. Zaki Haider, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 13-02-2024

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

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

*“i) A writ in nature of Mandamus
or any other writ or order or direction be issued
directing and commanding the respondents to
grant two increments sanctioned by the State of
Bihar to the teacher's of University by virtue of
Ph.D. Degree obtained prior to 1.1.96 and
consequently pay the arrears as well as current
benefit.*

*ii) A writ in nature of mandamus or
any other writ or order or direction be issued
direction and commanding the respondents to
calculate two Advance increment for Ph.D. and*



taking it into account to determine his last salary at the date of retirement and pay the consequential amount.

iii) Any other writ or order or direction to which the petitioner is found entitled by this Hon'ble court may kindly be issued."

3. The case of the petitioner in brief is that he was awarded his Ph.D. degree on 25.8.1976 and retired from service of the University as a University Professor on 31.1.2003. Referring to the resolution dated 18.5.2010 (Annexure-3) issued under the signature of the Secretary, Human Resources Development Department, Bihar, learned counsel for the petitioner submits that as per the said resolution, he is to get the notional benefits of the two increments w.e.f. 27.7.1995 as stated therein, though he may not get the financial benefits w.e.f. the date of the resolution ie 18.5.2010 on account of having retired from service on 31.1.2003 itself.

4. Learned counsel for the State for Bihar and learned counsel for the University have opposed the prayer made in the writ application.

5. Having heard learned counsel for the parties and having perused the material on record, the fact that the petitioner was awarded his Ph.D. degree on 25.8.1976 has not been contradicted by any of the respondents. Further, by



resolution contained in memo no.1669 dated 18.5.2010 issued by the Human Resources Development Department, Government of Bihar, the same provides that those teachers who were in service and obtained their Ph.D. degree prior to 1.1.1996 and were not given any benefits as a result thereof, would get the notional benefits w.e.f. 27.7.1995 and the consequential monetary benefits with immediate effect which would be from the date of resolution ie 18.5.2010.

6. This Court finds substance in the submission made by learned counsel for the petitioner. Though the petitioner may not be entitled monetary benefits as a result of the said resolution on account of having retired from service on 31.1.2003, this Court holds that the petitioner would be entitled for notional benefit of getting the two increments w.e.f. 27.7.1995 which would have resultant effect in computation of the last salary of the petitioner on the date of his retirement ie 31.1.2003 and the consequential payment of the difference of arrears of pension to which the petitioner would be found entitled from the date of the said resolution ie 18.5.2010. The consequential benefits shall be calculated and paid to the petitioner within a period of four months from the date of receipt/production of a copy of this order.



7. The writ application stands allowed to the above extent.

(Partha Sarthy, J)

Saurabh/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.02.2024
Transmission Date	

