

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9457 of 2019

Dr. Chandra Bhushan Prasad Sinha S/o Late Shyam Narayan Singh R/o Village-D.P. Choudhary Bhawan, Krishna Nagar, Road No. 4, P.S.-Begusarai, District-Begusarai, presently working as University Professor Department of Ancient Indian History and Culture, G.D. College, Begusarai

9457... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna
2. Principal Secretary Education Department, Govt. of Bihar, New Secretariat, Patna
3. The Director Higher Education, Govt. of Bihar, New Secretariat, Patna
4. The Vice-Chancellor L.N. Mithila University, Darbhanga
5. The Registrar L.N. Mithila University, Darbhanga
6. The Finance Officer L.N. Mithila University, Darbhanga
7. The Principal G.D. College, Begusarai, District-Begusarai

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Singh
For the Respondent/s	:	Smt. Namrata Singh, AC to Ex-GA-12
For the University	:	Ms. Bimita Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 15-02-2024

Heard learned counsel for the parties.

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

1) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondent authorities to make payment of the difference of arrear of salary for the period from 01.01.2006 to 04.11.2013 on



account of promotion to the post of Associate Professor and difference of salary for the period from 05.11.2013 to November 2018 on account of promotion to the post of University Professor including D.A., H.R.A. and medical allowances on revised pay effective from 01.01.2006 to 31.03.2010 in the light of order passed by this Court in CWJC No. 17983 of 2016 order dated 07.08.2018.

II) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondent authorities to make payment of the interest on aforesaid dues in terms law laid down in C.W.J.C. No. 14633 of 2010 vide order dated 07.05.2013 with interest at the rate of 12%.

III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the petitioner shall be found entitled under the facts and circumstances of the case.

3. It is submitted by learned counsel for the petitioner that the petitioner was initially appointed as Assistant Professor on 06.11.1996 in the department of Ancient Indian History & Culture, G.D. College, Begusarai on the basis of recommendation made by Bihar State University (Constituent Colleges) Service Commission. The petitioner got promoted to the post of Lecturer (Senior Scale) on 31.01.2001 and thereafter, he has been



promoted to the post of Reader w.e.f. 05.11.2005 vide Memo No. 5600-5650/13 dated 16.05.2013, but he was not given salary as per entitlement. Since the petitioner was fulfilling all the conditions laid down in the statute, therefore, he has been promoted to the post of University Professor vide memo no. SC/3672-83/17 dated 18.10.2017, such promotion has been given w.e.f. 05.11.2013.

4. It is further submitted that promotion to the post of Reader was made in the year 2013 which is effective from 05.11.2005, therefore, the difference of salary on account of promotion of aforesaid period was not paid to the petitioner. Similarly promotion to the post of University Professor was made vide notification dated 18.10.2017 and promotion was effective from 05.11.2013, but actual payment in the pay scale of University Professor was started from December 2018. The pay scale of the petitioner was fixed by the Statutory Pay Fixation Committee of the University and thereafter, his pay scale has been verified by the pay verification cell in both promoted post i.e. Reader and University Professor, respectively. The pay scale of the petitioner was revised vide letter 2374 dated 29.07.2010 by the University and the same has been verified but the increments on account of Ph.D. degree has not been added.



5. It is further submitted that the petitioner of CWJC No. 17983 of 2016 has already been paid D.A., H.R.A. and M.A. by the University on revised pay point effective from 01.01.2006 to 31.03.2010, which is also evident from Annexure 5 annexed to this writ application.

6. Learned counsel for the petitioner further submits that recently one Prof. (Dr.) Badari Narayan Singh has also filed a CWJC No. 4012 of 2022 in which vide order dated 06.10.2023, a co-ordinate bench of this Court considering all the previous cases passed by this Court as well as the LPAs detailed orders directed the University as well as the State/respondents to calculate all the dues of the petitioner against the aforesaid claim and ensure the payment to him as early as possible, preferably within a period of three months from the date of receipt/production of a copy of this order and it is also made evident that if the payment is not made to the petitioner within the aforesaid period of three months, the State as well as the University shall be liable to pay simple interest at the rate of 6% per annum from the date of the order till the date of actual payment.

7. It is submitted on behalf of the University and the State that with respect to payment of DA and HRA, the State of Bihar has preferred Civil Review No. 167/2023 against the order dated



04.01.2023 passed in LPA No. 667/2021 which is still pending.

8. In view of the aforesaid discussions, I direct the University to take necessary steps in accordance with law and in the light of the order passed by a co-ordinate Bench of this Court vide order dated 06.10.2022 in CWJC No. 4012 of 2022 and pay the admitted dues within a period of three months from the date of receipt/production of a copy of this order.

9. It is made clear that if the payment is not made to the petitioner within three months, the State as well as the University shall be liable to pay simple interest at the rate of 6% per annum from the date of the order till the date of actual payment.

10. With the aforesaid observation and direction, the writ application stands allowed.

(Anjani Kumar Sharan, J)

divyanshi/-

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

