

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14991 of 2016

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Mahendra Jha Son of Late Raghunandan Jha Resident of Village-Samasa,
P.S.-Mansoorchak, District-Begusarai

... .. Petitioner/s

Versus

1. The Vice Chancellor, Patna University
2. The Registrar, Patna University, Patna.
3. The Principal, Patna Training College, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhay Shankar Jha
For the University	:	Mr. Digvijay Singh
		Mr. B. J. Jha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 7 25-07-2024 1. Heard learned counsel for the parties concerned.
2. The present writ application has been filed for a direction to the respondent-authorities for payment of full salary, other than subsistence allowance, to the petitioner for the period he remained under suspension i.e. from 29.06.1996 to 22.10.2003.
3. Learned counsel for the petitioner submits that the petitioner was suspended vide order, dated 01.07.1996, on the ground that he was involved in murder of Prof. R. N. Pandey and was made accused in the Kadamkuan Police Station Case No. 338 of 1996. After the bail, the suspension of the petitioner was further extended vide letter, dated 25.08.2001.



4. The petitioner has been acquitted by the trial court vide judgment, dated 18.05.2007, passed in Sessions Trial No. 439 of 1999.
5. Learned counsel further submits that the suspension of the petitioner was revoked in the year 2003, as such, the petitioner is entitled for the salary of the entire period in view of the Section 66 (3) and 66 (4) of the Patna University Act, 1796.
6. Learned counsel for the Patna University submits that a departmental proceeding was initiated against the petitioner in which punishment order has been passed forfeiting the salary of the petitioner for suspension period. Petitioner has already been paid subsistence allowance for the suspension period i.e. from 1996 to 2003. In so far as the claim of the petitioner for payment of salary for the suspension period is concerned, the same may not be granted in view of the punishment order and pendency of the departmental appeal filed by the petitioner before the Registrar, Patna University.
7. In view of the fact that the appeal against the order of punishment filed by the petitioner before the Registrar, Patna University, is still pending, this writ application is



disposed with a direction to the Registrar, Patna University, to dispose the appeal within a period of four months from the date of receipt/production of a copy of this order.

8. The petitioner shall be at liberty to file additional documents/facts before the appellate authority within a period of one month.
9. It is made clear that the petitioner may approach this Court against the order passed by Appellate Authority, if the order goes against him. It will be open for the petitioner to reagitate his claim for salary of the entire period in view of Sections 66 (3) and 66 (4) of the Patna University Act after the final outcome of the punishment order.
10. With the aforesaid observation and direction, this writ application is disposed.

(Anil Kumar Sinha, J)

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