

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1963 of 2021

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Bhim Kumar Son of Yogendra Mandal Resident of Village-Bhola Tola,
Kishundaspur, P.S.-Kahalgaon, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The Tilaka Manjhi Bhagalpur through its Vice Chancellor
2. The Vice Chancellor, Tilaka Manjhi Bhagalpur University, Bhagalpur.
3. The Registrar, Tilaka Manjhi Bhagalpur University, Bhagalpur.
4. The Finance Officer, Tilaka Manjhi Bhagalpur University, Bhagalpur.
5. The Munger University, Munger through its Vice Chancellor
6. The Vice Chancellor, Munger University, Munger.
7. The Registrar, Munger University, Munger.
8. The Finance Officer, Munger University, Munger.
9. The Principal, Ramadhin College, Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar, Adv.
For the TMBU University	:	Mr.Ashhar Mustafa, Adv.
For the Munger University	:	Mr. Ritesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 27-03-2024

Heard learned counsels for the parties.

2. The petitioner has filed the present writ application for
the following reliefs:

I) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondent authority to pay the difference of arrears of salary from 17.05.2008 to 30.05.2016 during which petitioner has discharged his duty as Sorter though he was initially appointed as Bhandarpal and with effect from 30.05.2016, he has again discharged his



duty as Bhandarpal vide office order dated 252/16 dated 30.05.2016 issued under the signature of respondent Registrar Tilaka Manjhi Bhagalpur University, Bhagalpur.

II) For direction to the respondent authorities to pay the difference of arrears of salary with statutory as well as penal interest.

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

3. Learned counsel for the petitioner submits that the petitioner was initially appointed as Bhandarpal vide office order no. 32/2003 issued under the signature of respondent Registrar Bhagalpur University, Bhagalpur contained in his memo no. B/5324-5641 dated 25-26.01.2003. Pursuant to his appointment letter, petitioner submitted his joining on 30.01.2003 which has duly been accepted and after submission of his joining, he started discharging his duty with best of his capacity.

4. It is further submitted that vide office order dated 96/2008 dated 17.05.2008 issued under the signature of respondent Registrar, the service of the petitioner has been regularized with effect from 05.06.2003 as Sorter. Thereafter, vide office order no. 102/2008 dated 23.05.2008, the service of the petitioner was transferred to University from R.D. College



Sheikhpura, where he was asked to discharge his duty as Bhandarpal and pursuant to the same, he has discharged his duty with effect from 31.05.2008 as Bhandarpal.

5. It is further submitted that for change in his pay-scale as well as post, the petitioner has filed his objection by way of detailed representation on 18.05.2009 and in response to the same, vide office order no. 252/16 dated 30.05.2016 issued under the signature of respondent Registrar, Tilaka Manjhi Bhagalpur University, Bhagalpur dated 30.05.2016, the post of petitioner has been re-designated as Bhandarpal and accordingly changed. In furtherance to the above, the petitioner has filed a detailed representation for fixation of his pay scale on 19.08.2016 and 14.09.2016 pursuant to office order dated 30.05.2016 and asked to re-fix his pay scale of Bhandarpal with effect from the date when his post was changed as Sorter. Considering the grievance of the petitioner, vide office order no. 502/17 dated 09.12.2017 issued under the signature of respondent Registrar, T.M.B.U., the financial benefit of the post of Bhandarpal has been granted to the petitioner with immediate effect. Thereafter, petitioner has filed a series of representations for payment of financial benefit with effect from 2003, but till date, no heed was paid nor any information has been given to



the petitioner regarding the same.

6. It is further submitted that one similar situated person has been granted financial benefit with effect from 01.08.2017 when his post was changed vide office order no. 170/17 dated 28.04.2017 and considering the same, the financial benefit of the post of Bhandarpal ought be given to the petitioner with effect from 2003 and accordingly, arrears of salary ought also be given from the date when his post was changed as Sorter in place of Bhandarpal.

7. Learned counsel for the T.M.B.U. Bhagalpur filed a counter affidavit in the present case stating therein that the University promptly scrutinized the matter and found that Rs. 2,99,239/- (Two Lakh Ninety Thousand Two Hundred and thirty nine) is payable to the petitioner and the approval of the Vice Chancellor has also been obtained for making the payment to the petitioner.

8. Considering the facts and circumstances of the case as well as the statement mentioned in counter affidavit on behalf of the T.M.B.U, Bhagalpur, I deem it proper to dispose of the writ application with direction to the Registrar of Tilaka Manjhi Bhagalpur University, Bhagalpur (respondent no.3) to pay the rest claimed/admitted dues to the petitioner within a period of



two weeks from the date of receipt/production of a copy of this judgment.

9. It is made clear that the respondent no.3 shall be personally responsible for non-compliance of this order within the stipulated period.

10. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.04.2024
Transmission Date	NA

