

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10773 of 2022

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Phul Kumar Jha Son of Sri Kala Nand Jha Resident of Near Indra Park, Indra Nagar, P.O. and P.S.- Purnea, District- Purnea, the retired Senior Assistant Professor (Lecturer Senior Scale), Department of Sociology, Mahila College, Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director Higher Education, Government of Bihar, Patna.
4. The Vice-Chancellor, B.N. Mandal University, Madhepura.
5. The Registrar, B.N. Mandal University, Madhepura.
6. The Finance Officer, B.N. Mandal University, Madhepura.
7. The Vice-Chancellor, Purnea University, Purnea.
8. The Registrar, Purnea University, Purnea.
9. The Finance Officer, Purnea University, Purnea.
10. The Principal, Purnea Mahila College, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vijay Kumar Singh
For the Respondent/s	:	Mr.Prabhakar Jha (Gp27)
For the University	:	Mr.Shashi Bhushan Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 5 30-04-2024 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the B.N.Mandal University.
2. The present writ application has been filed for the following relief/s:-

“(i) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondent Authorities to revise the salary of



the petitioner in promoted scale i.e. Rs.10,000-15,200 with Ph.D. incentives from the date of his promotion i.e. 14.09.2003 to the post of Lecturer (Senior Scale) under the Career Advancement Scheme pursuant to the notification contained in memo no.111/19 dated 28.01.2019 issued by the respondent B.N. Mandal University under the signature of the respondent no.5 and the subsequent notification contained in memo no.PUP (Prom-109/19)-R/21-139 dated 02.03.2021 issued by the Purnea University issued under the signature of the respondent no.8.

(ii) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondent Authorities to pay the differences of arrears of salary and other consequential monetary benefits from the respective date of their promotion to the rank of Reader with interest.

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

3. At the outset, learned counsel for the petitioner submits that the petitioner's case is squarely covered by the order passed in CWJC No.4601 of 2021 dated 13.03.2024.

4. Learned counsel for the University has not denied this fact. He submits that though by memo no. PUP (FO-153/22)-



R22-328 dated 27.03.2023, the University had sent the letter to the State Government for releasing the fund but till date the same has not been released, therefore, payment could not be made to the petitioner.

5. Considering the submission of the parties, respondent no.3 is directed to release the fund in favour of the University within two months. After receiving the said fund, the University shall pay the arrears to the petitioner within three months thereafter.

6. If the payment is not made in the stipulated period, petitioner shall be entitled for interest @4% per annum.

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

8. With the aforesaid observation and direction, this writ application is disposed of.

(Anjani Kumar Sharan, J)

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