

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9600 of 2023

Dr. Dilip Kumar Singh S/o Sri Shukdeo Singh, R/o-C/o Rana Randhir Singh, Sant Nagar, Gangjala, P.S. and District-Saharsa presently working as Associate Professor, Dept. of History, SNSRKS College, Saharsa, P.S. and District-Saharsa.

... .. Petitioner/s

Versus

1. The B.N. Mandal University Madhepura through its Registrar.
2. The Vice-Chancellor, B.N. Mandal University, Madhepura.
3. The Financial Advisor, B.N. Mandal University, Madhepura.
4. The Registrar, B.N. Mandal University, Madhepura.
5. The Finance Officer, B.N. Mandal University, Madhepura.
6. The Principal, S.N.S.R.K.S. College, Saharsa, District-Saharsa.
7. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
8. The Director, Higher Education, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Purushottam Kumar Jha
For the Respondent/s : Mr.Madan Jeet Kumar (Gp 20)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-11-2024 Heard learned counsel for the petitioner and learned
counsel for the respondent / State.

2. This writ petition has been filed for following
reliefs:

(i) Issuance of an order, direction or a writ in the nature of Mandamus commanding the authorities concerned of the respondent university to ensure the payment of petitioner's arrears of salary claim upon taking into account the Pay Verification Letter No. 01041605017816 dated 01.04.2016 (Annexure -10 to this writ petition).

(ii) Issuance of an order, direction or a writ



in the nature of Mandamus commanding the Authorities concerned of the Respondent University to ensure the payment of Arrears of Salary Claim of the petitioner for the period in between Jan 2009 to Dec 2015, to which, the petitioner is entitled, on account of the fact that the petitioner has acquired Ph.D. degree during his service tenure on 13.01.2009 vide Annexure - 4 to this Writ Petition, and the petitioner is being granted due benefits of grant of the said Three Advance Increments from the month of Jan 2016 onwards on account of petitioner's having acquired Ph.D. degree during his service tenure.

(iii) Issuance of an order, direction or a writ in the nature of mandamus commanding the Respondents concerned to supply the details of calculation of petitioner's arrears of salary claim, so that. upon, examining the same, the petitioner may ascertain, as to whether his due arrears of salary claim has been paid to him.

(iv) To hold and declare that the action of the Respondent University in not issuing required notification granting regular promotion to the petitioner on the post of Associate Professor w.e.f. 20.10.2003, is illegal, arbitrary, malafide, malicious and unsustainable in the eye of law and on account of the same the petitioner is not being granted promotion on the post of Professor under Career Advancement Scheme w.e.f. 20.10.2006 is wholly unsustainable in the eye of law and on facts both and is fit to be deprecated by this Hon'ble Court in strong words.

(v) Issuance of an order, direction or a writ in the nature of Mandamus commanding the authorities of the Respondent University to grant promotion to the petitioner on the post of University Professor w.e.f. 20.10.2006, with all consequential benefits.

(vi) Issuance of an order, direction or a writ in the nature of Mandamus commanding the



authorities of the respondent university to make the payment of interest on his said arrears of salary claim @ 12% or 15% or @ 18% per annum, upon taking into account the orders passed by this Hon'ble Court vide Order dated 11.10.2010 passed in CWJC No. 11412 of 2010, Order dated 13.07.2012 passed in LPA No. 32 of 2011 as also by the Apex Court, vide Order dated 31.01.2000 passed in Civil Appeal No. 689 of 2000 (Vijay L. Mehrotra Vs. State of U.P. and Others.)

(vii) For grant of any other relief or relief(s) to which the petitioner may be found entitled to in the facts and circumstances of this case.

3. Learned counsel for the petitioner submits that for the relief sought for in the present writ petition, the petitioner has filed several representation(s) before the concerned authority, but till date, no action has been taken. Learned counsel for the petitioner has drawn attention of this Court towards Annexure – 19, which has been filed by him on behalf of petitioner before the Respondent no. 2/Vice-Chancellor, B.N.Mandal University and Respondent no. 7/Additional Chief Secretary, Education Department, Govt. of Bihar and requests for its disposal.

4. In view of limited prayer made on behalf of petitioner, the writ petition is disposed of with direction to Respondent no. 2/Vice-Chancellor, T.M.Bhagalpur University to dispose of the said representation (Annexure – 19 to the writ



petition) by a reasoned & speaking order after hearing the parties in accordance with law within a period of six months from the date of receipt / production of copy of this order. Upon examination of the claim of the petitioner, if any admissible dues is found payable to the petitioner, the same shall be paid to the petitioner within a period of six months from the date of passing of order by the concerned authority.

5. With above observation and direction, the writ petition stands disposed of.

(Prabhat Kumar Singh, J)

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