

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10694 of 2016

Vishwambhar Sharn Brahmachari @ V. S. Brahamchari Son of Late Mahadeo Sharan at present residing at- 1/3 Moul Sri Road Shipra Suncity, Indirapuram, Police Station- Ghaziabad, District- Ghaziabad-201010 State Uttar Pradesh

... .. Petitioner/s

Versus

1. Rajendra Agricultural University
2. Vice- Chancellor, Rajendra Agricultural University Bihar, Pusa Samastipur
3. The Director Administration Rajendra Agricultural University, Pusa Samastipur
4. The Bihar Agricultural University, Sabour, Bhagalpur
5. The vice Chancellor, Bihar Agricultural University, Sabour, Bhagalpur
6. Director, Administration, Bihar Agricultural University, Sabour, Bhagalpur
7. The Associate, Dean- Cum- Principal Bihar Agricultural College, Sabour, Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Gajendra Kumar Singh
For the State	:	Mr. Raghwanand, GA 11
For B. A. U.	:	Mr. Sriram Krishna
		Mr. Amarjeet
		Mr. Shailendra Kumar Singh
		Mr. Prabhat Kumar Singh
For R. A. U.	:	Mr. Chandra Mohan Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 12 02-05-2024 1. The petitioner retired from the post of Associate Professor in the year 2008 while he was working in the erstwhile Rajendra Agriculture University, Pusa, Samastipur. He has filed the present writ application for a direction to the University to pay consequential monetary benefit pursuant to grant of promotion under the Career Advancement Scheme with effect from 27.07.1999.



2. The claim of the petitioner has not been disputed either by the State or by the Bihar Agriculture University, Sabour, Bhagalpur and/or Rajendra Agriculture (Central) University, Pusa, Samastipur. The only controversy which revolves around this case is that who will pay the necessary consequential benefits to the petitioner pursuant to grant of promotion under Career Advancement Scheme by the Rajendra Agriculture University, Pusa, Samastipur, with effect from 27.07.1999.
3. The petitioner was working in Rajendra Agriculture University, Pusa, Samastipur, which was bifurcated on 05.08.2010 and two Universities, namely, Rajendra Agriculture University, Pusa, Samastipur, and Bihar Agriculture University, Sabour, Bhagalpur, were created. Subsequently, Rajendra Agriculture University, Pusa, Samastipur, was converted into the Central University with effect from 07.10.2016.
4. Learned Counsel for the Rajendra Agriculture University, Pusa, Samastipur, i.e. Central University, submits that the petitioner retired from Bihar Agriculture University, Sabour, Bhagalpur, which is the successor body of the erstwhile Rajendra Agriculture University, Pusa,



Samastipur and has been receiving pension and other benefits from Bihar Agriculture University, Sabour, as such, it is the responsibility of the Bihar Agriculture University to recommend the case of the petitioner for payment of consequential benefit before the State Government.

5. On the other hand, learned Counsel for the Bihar Agriculture University, Sabour, Bhagalpur, submits that the petitioner retired before bifurcation from Rajendra Agriculture University, Pusa, Samastipur in the year 2008, and bifurcation has taken place in the year 2010. Petitioner is getting pension etc. from the Bihar Agriculture University, Sabour only because the College in which he was working, fell into the jurisdiction of the Bihar Agriculture University, Sabour in the year 2010. Insofar as the payment of benefits of promotion under Career Advancement Scheme is concerned, it is the responsibility of the Rajendra Agriculture University, Pusa, Samastipur to recommend the case of the petitioner before the State Government, for payment.
6. Learned Counsel for the State submits that the Secretary, Agriculture Department, Bihar, vide letter no. 1915, dated



24.03.2022, has requested the Vice Chancellor of Dr. Rajendra Prasad Central Agriculture University, Pusa, and the Vice Chancellor of Bihar Agriculture University, Sabour, to examine the claim of the petitioner for payment of consequential monetary benefit pursuant to the promotion under Career Advancement Scheme, but no recommendation has been received from the side of both the Universities.

7. I have heard learned Counsel for the parties concerned and have gone through the materials available on record.
8. So far as the grant of promotion under Career Advancement Scheme to the petitioner by the competent authority of erstwhile Rajendra Agriculture University, Pusa, Samastipur is not disputed by any of the parties. The only question which requires consideration is which University will recommend the State Government for payment of consequential benefits to the petitioner.
9. The petitioner was Associate Professor in erstwhile Rajendra Agriculture University, Pusa, Samastipur, working in Bihar Agriculture College, Sabour, which ultimately came under the jurisdiction of the newly created Bihar Agriculture University, Sabour.



10. Accordingly, in my opinion, it is the responsibility of the Bihar Agriculture University, Sabour, Bhagalpur, to recommend the case of the petitioner before the State Government for payment of all consequential benefits.
11. In the result, I direct the Vice Chancellor of the Bihar Agriculture University, Sabour, Bhagalpur, to recommend the case of the petitioner for payment of consequential benefits before the State Government, after examining the necessary papers within a period of three months from the date of receipt/production of a copy of this order.
12. It is made clear that if required, the Dr. Rajendra Prasad Central Agriculture University, Pusa, shall co-operate the Bihar Agriculture University, Sabour, Bhagalpur, in arriving at the right conclusion.
13. The respondent-State is further directed that after receipt of the recommendation/advice from the Bihar Agriculture University, Sabour, Bhagalpur, the State Government shall release the necessary fund in favour of Bihar Agriculture University, Sabour, Bhagalpur, for payment to the petitioner within a period of three months from the date of receipt of recommendation from the Bihar Agriculture University, Sabour, Bhagalpur.



14.This writ application is disposed with the aforesaid
observation and direction.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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