

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20835 of 2013

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1. Shambhu Sharan Singh Son of Majister Singh Resident of Village- Gabhirar, Police Station- Raghunathpur, District- Siwan
 2. Kuwar Sanjay Son of Majister Singh Resident Of Village- Gabhirar, Police Station- Raghunathpur, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Regional Deputy Director Education, Saran
3. District Programme Coordinator Cum District Education Officer, Saran
4. Regional Director, Indira Gandhi National Open University, Regional Center, Lalit Narayan Mithila University
5. Assistant Regional Director, Regional Center, Indira Gandhi Nation Open University, Lalit Narayan Mithila University Campus near Central Bank, Darbhanga.
6. Principal Cum District Coordinator, Ignou, Dpe Program 05122 Diet, Sonpur, Saran
7. Principal, Rajkiya Buniyadi Vidyala, Rasulpur, Ekama, District- Saran
8. Principal, Kanya Madhya Vidyala, Manjhi, District- Saran

... .. Respondent/s

Appearance :

For the Petitioner/s : Miss Nikita Mittal, Advocate
For the Respondent/s : Mr. Vinay Kriti Singh,

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

Date : 28-02-2024

1. Heard learned counsel for the petitioners, learned counsel for the Regional Director, Indira Gandhi National Open University (respondent no.4) ('IGNOU' in short) and learned counsel for the Principal, District Coordinator, IGNOU (respondent no.6).

2. The petitioners have filed the instant application for the following reliefs:



“(A) For issuance of a writ in the nature of mandamus directing and commanding the Respondents to pay the remuneration of the petitioners from 05.01.2009 to 31.07.2011 for work of academic counseling as well as evaluation of the examination copy.

(B) For issuance of a writ in the nature of mandamus directing and commanding the respondents to pay statutory interest on the dues amount of the petitioners as remuneration for academic counseling as well as evaluation of the examination copy.

(C) To grant any other relief or reliefs to which the petitioner is found entitled to in the facts and circumstances of the case.”

3. The case of the two petitioners herein are that they were sent on deputation to evaluate the examination copies as an academic councilor at IGNOU centers. Inspite of having carried out the work to the satisfaction of all concerned, the petitioners were not given their due remuneration etc. and thus they proceeded to file representations. Not having been paid the amount, led to the petitioners filing the instant application for the reliefs as stated hereinabove.

4. Learned counsel for the Regional Director, IGNOU in reference to the letter dated 4.8.2011 (Annexure-5) submits that the respondent no.4, IGNOU had already made payment of bills of 21 such persons. However, the bills of the petitioners could not be paid for the reason that it was incomplete. As such the



communication sent by the Assistant Registrar, IGNOU as contained in his letter dated 4.8.2011 addressed to the District Coordinator.

5. Learned counsel for the Principal-cum-District Coordinator, IGNOU submits that the petitioners themselves have brought on record the letter dated 4.8.2011 of the IGNOU. So far as the present deponent is concerned, he has joined the present post of Principal Incharge only on 30.3.2022 and was not holding the present office during the relevant period ie 2009-11. Inspite of his best efforts, the records for the relevant period could not be found in the institute.

6. Having heard learned counsel for the parties and having perused the material on record, it transpires that so far as the evaluation of the examination copies as academic councilor carried out by the petitioners for the period from 5.1.2009 to 31.7.2011 is concerned, the same has not been denied by any of the respondents. They have also not denied the fact that the petitioners are entitled for remuneration. So far as the communication as contained in letter dated 4.8.2011 (Annexure-5) written by the IGNOU to the District Coordinator is concerned, learned counsel for the respondents could not point any material/letter mentioned therein which the petitioners was



expected to provide to the respondents.

7. In the opinion of this Court, once the work carried out by the petitioners is not contested, the payment/remuneration due to the petitioners should have been paid at the relevant time itself. The petitioners have no concern with what communications the respondents are having between themselves.

8. Having heard learned counsel for the parties and having perused the material on record, the writ application is allowed/disposed of with the following directions:

(1) The petitioners shall file a separate and detailed representation before the respondent-Principal cum District Coordinator, IGNOU, DPE Programme 05122 Diet, Sonpur, Saran (respondent no.6) with a copy of the same to the Regional Director, Indira Gandhi National Open University, Regional Center, Lalit Narayan Mithila University Campus near Central Bank, Darbhanga (respondent no.4) giving details of the amount due and payable to the petitioners with all supporting documents which may be available with them.

(2) The respondent no.4 and respondent no.6 shall make the payment of the total amount within a period of 4 months from the date of receipt/production of a copy of the



representation.

(3) In case, aforesaid payment is not made within the time fixed, as above, the petitioners shall be entitled to be paid cost of Rs.20,000/ along with simple interest at the rate of 6% on the amount due and payable from the date the amount became payable.

(Partha Sarthy, J)

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CAV DATE	
Uploading Date	4.3.2024
Transmission Date	

