

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.21757 of 2018**

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Ajai Kumar Sinha S/o. Jai Nandan Prasad C/o. Late Prof. Arun Kumar Sinha,  
resident of Kashinath Lane, Lohanipur, Kadamkuan, District-Patna, Bihar-  
800003

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,  
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, Magadh University, Bodh-Gaya, Gaya
5. The Finance Officer, Magadh University, Bodh-Gaya, Gaya
6. The Registrar, Magadh University, Bodh-Gaya, Gaya
7. The Principal, College of Commerce. Patna
8. The Patliputra University, Patna Kankarbag, Patna 800020 through its  
Registrar.
9. The Registrar, Patliputra University Patna Kankarbag, Patna-800020
10. The Finance Officer, Pataliputra University, Patna.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|---------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Pratik Kumar Sinha, Advocate<br>Mr. Ram Swarup Prasad, Advocate |
| For the State        | : | Mr. Priyadarshi Matri Sharan, AC to AAG-15                          |
| For the M.U.         | : | Mr. Harsh Singh, Advocate                                           |
| For the P.P.U.       | : | Mr. Rana Vikram Singh, Advocate<br>Ms. Rasika, Advocate             |

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

4      21-01-2025                      Heard learned counsel for the petitioner, learned AC  
  
to AAG-15 for the State, learned counsel appearing on behalf of  
  
the Magadh University and learned counsel appearing on behalf  
  
of the Patliputra University.

2. Learned counsel for the petitioner submits that the  
  
instant writ application has been filed seeking the following  
  
reliefs:-



- (i) To issue a writ of certiorari quashing the order dated 23/12/2016 of the respondent no. 7, Principal, College of Commerce, Patna by which the respondent no. 5, Finance Officer, M.U., Bodh-Gaya, Gaya has been requested to recover/adjust an amount to the tune of Rs. 10,56,374/- from the petitioner as the same has received such amount in excess to his service tenure as also the part of the order no. 5072/2017 showing deduction of Rs. 10,56,374/-;
- (ii) To issue a further a writ of certiorari quashing the part of the order dated 25/11/2016 of the respondent no. 6, Registrar, M.U., Bodh-Gaya, Gaya as contained in letter no. 2110/2016, whereby and whereunder the respondent no. 7, Principal, College of Commerce, Patna has been directed to send the details of excess amount paid to those re-designated demonstrators who received such amount beyond their service tenure. Petitioner further seeks a writ of certiorari quashing the order dated 29/3/2016 of the respondent no. 7, Principal, College of Commerce, Patna in so far it relates to the petitioner herein by which he sought necessary directions from the respondent no. 6, Registrar, M.U., Bodh- Gaya with regard to the petitioner and three other re-designated demonstrators who worked beyond the retirement age of 62 years and received excess amount as such;
- (iii) To issue a further writ of mandamus directing the authorities of the University in question to make payment of the amount recovered (Rs.10,56,374/) and the arrears of salary and difference of arrear of salary with suitable interest;
- (iv) To issue a writ of mandamus directing the authorities of the University in question to make payment of difference of arrears of salary for the period between 1/9/2010 to 31/8/2013 as admittedly



for such period part salary were being paid to the petitioner;

(v) To issue a further order/orders or writ/writs or direction/directions directing the respondent authorities to grant him further relief as he may be entitled under the law in the attending facts and circumstances of the case.

3. Learned counsel appearing on behalf of the petitioner at the outset submits that the case of the petitioner is squarely covered by a judgment of this Court rendered on 18.08.2023 passed in C.W.J.C. No. 22919 of 2018 (Sudha Ojha Versus The State of Bihar & Ors.).

4. Leaned counsel for the petitioner fairly submits that the only difference in the case of the petitioner and Sudha Ojha (supra) is of the amount recovered and other difference is that Sudha Ojha (supra) was the widow of the concerned employee, namely, Late Sushil Kumar Ojha while in the present case the petitioner himself is the employee and has moved this Court and the recovered amount in this case is Rs.10,56,374/-.

5. Learned counsel appearing on behalf of the State and the Universities, after examining the present case in light of the judgment of this Court passed in C.W.J.C. No. 22919 of 2018 (Sudha Ojha Versus The State of Bihar & Ors.), have submitted that the case is covered by the judgment of this Court in the case of Sudha Ojha (supra) and, thus, have no objection if



the writ application is disposed of in terms of the judgment passed in the case of Sudha Ojha (supra).

6. After hearing the learned counsel for the parties, the writ application is disposed of in terms of the judgment of this Court passed in C.W.J.C. No. 22919 of 2018 (Sudha Ojha Versus The State of Bihar & Ors).

**(Satyavrat Verma, J)**

Kundan/-

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