

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6828 of 2020

- 1.1. Nilima Sinha Widow of - Late Dr. Sharat Chandra Sinha, Resident of - Shyamaiaaya, Nav Bihar Press, Bahu Bazar, Dhakkanpura, Gardanibagh, P.S. - Gardanibagh, District- Patna.
- 1.2. Nitiin Sharat Son of Late Sharat Chandra Sinha, Resident of - Shyamaiaaya, Nav Bihar Press, Bahu Bazar, Dhakkanpura, Gardanibagh, P.S. - Gardanibagh, District- Patna.
- 1.3. Jitin Sharat Son of Late Sharat Chandra Sinha, Resident of - Shyamaiaaya, Nav Bihar Press, Bahu Bazar, Dhakkanpura, Gardanibagh, P.S. - Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary Dept. of Human Resource Development, Govt. of Bihar, Patna.
3. The Secretary-cum- Commissioner Dept. of Human Resource Development, Govt. of Bihar, Patna.
4. The Special Secretary Dept. of Education, Govt. of Bihar, Patna.
5. The Director Higher Education, Govt. of Bihar, Patna.
6. Magadh University Bodhgaya, through its Registrar.
7. The Vice- Chancellor Magadh University, Bodhgaya.
8. The Registrar Magadh University, Bodhgaya.
9. Principal A.N. College, Patna.
10. The State Information Commission Bihar, Patna, through its Registrar.
11. The Public Information Officer-cum- Principal A.N. College, Patna.
12. The Patliputra University Patna through its Registrar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pritish Kumar Lal, Advocate
For the M.U.	:	Mr. Siddhartha Prasad, Advocate
		Mr. Sunit Kumar, Advocate
		Mr. Om Prakash Kumar, Advocate
For the P.P.U.	:	Mr. Janmejaya, Advocate
For the A.N. College	:	Mr. Sanjay Kumar Singh, Advocate
For the State	:	Ms. Namrata, AC to GA-12

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER



appearing on behalf of the petitioners; Mr. Janmejaya, learned counsel appearing on behalf of the Patliputra University; Mr. Siddhartha Prasad, learned counsel appearing on behalf of the Magadh University; Mr. Sanjay Kumar Singh, learned counsel appearing on behalf of the Principal A.N. College and Ms. Namrata, learned counsel for the State.

2. A counter affidavit has been filed on behalf of the respondents no. 6 to 8 (functionaries of the Magadh University) giving information in paragraph no. 10 that the Magadh University vide Letter No. Fin/Sal/18/19 dated 20.06.2019 and Bud/19/25 dated 09.01.2025, had already requested the Principal of the A.N. College, Patna for providing bill claims of the petitioner in accordance with the Pay Verification Certificate issued by Pay Verification Cell of Education Department much before the writ petition was filed in the year 2020.

3. This Court vide orders dated 10.02.2025 and 04.03.2025 had directed the Principal of the A.N. College, Patna to file duly sworn affidavit giving information regarding details of payment, which the petitioner is actually required to be paid subject to the final verification of the Education Department. The counter affidavit was filed on behalf of the Principal of the A.N. College and the said fact has been taken note of in the



order dated 17.03.2025 that after perusing the counter affidavit, which was devoid of such information as was required by this Court, as well as, in light of the specific statement made in paragraph no. 10 of the counter affidavit filed on behalf of the respondents no. 6 to 8. In such circumstances, Mr. Sanjay Kumar Singh, learned counsel appearing on behalf of the Principal of the A.N. College, Patna found it proper to withdraw the counter affidavit to file a fresh counter affidavit. Today, learned counsel for the Principal A.N. College, Patna informs that the Principal of A.N. College, Patna as on date has superannuated and counter affidavit could not be filed.

4. A counter affidavit has been filed on behalf of the State (respondents no. 2 to 5) and referring to the information contained therein, Ms. Namrata, learned counsel for the State informs that the original petitioner had retired on 31.07.2012 prior to the order dated 27.02.2017 passed in Civil Appeal No. (s) 6178-6181 of 2015, pursuant to which the State Government had issued Letter No. 1301 dated 06.07.2017 with following directions as has been mentioned in paragraph no. 14 of the counter affidavit filed on behalf of the respondents no. 2 to 5, which *inter alia* are reproduced hereinafter:

"a) At present status of Lab Assistant will not be changed. If any Lab Assistant has been re-designated as Demonstrator, he will continue in the



same status, and that will not be taken back.

b) But such Lab Assistant cannot get benefit which is beyond the provision of Bihar Universities Act. 2012 (Amendment Act). By that amendment Act, Lab Assistant/Re-designated Demonstrator has not to be included in the teaching category. Thus, he will not get benefit as teacher in spite of re-designated as Demonstrator."

5. It is in this context that information has been given in paragraph no. 15 that the original petitioner had retired much prior to the aforesaid order dated 27.02.2017, hence, he is not entitled for the protection given in the said order.

6. It has been informed by learned counsel appearing on behalf of the Magadh University that the claim of the original petitioner relates to the period when the A.N. College was constituent unit of Magadh University and after bifurcation of Magadh University, the jurisdiction lies with the Patliputra University and he has no information, as to whether, all the documents relating to the original petitioner has been sent to the Patliputra University after bifurcation.

7. Learned counsel appearing on behalf of the Patliputra University informs that he too don't have any information, as to whether, required documents relating to the original petitioner is available with the Patliputra University.

8. Be that as it may be. The original petitioner had superannuated way back in the year 2012 and he had faced



much harassment and now, while the present writ petition is pending, the principal of the college has superannuated. The original petitioner had died on 22.09.2024 during the pendency of the present writ petition and his legal representatives have already been substituted vide order dated 03.01.2025. Inaction on the part of the respondents only leads to show that now innocent legal representatives of the deceased employee (original petitioner) are being penalized.

9. In such circumstances, I find it proper to direct the concerned Bursar of the A.N. College, Patna to get the bill prepared relating to the original petitioner so that his legal representatives, who have already been substituted, may not face further harassment and submit the same before the Registrar of the Patliputra University within a period of one week without fail so that the payment can be made after verification by the Education Department by its Pay Verification Cell.

10. In case, the Bursar concerned don't take steps in compliance of this order, the present Vice-Chancellor of the Magadh University, who was also principal of the A.N. College, is directed to take-up the concern of the original petitioner at his own level by doing needful to support the Vice-Chancellor of



the Patliputra University and the Vice-Chancellor of the Patliputra University must depute the Registrar of the University to get all the documents relating to the deceased employee (original petitioner) within the aforesaid period so that without any further delay, the payment is made to the petitioners.

11. It is expected that the Vice-Chancellor of the Patliputra University must show respect to the teacher as he himself is also a professor and he must show respect to his deceased colleague.

12. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

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