

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7369 of 2017

1. Prof. Satyendra Prasad Sinha and Ors S/o Late Awadh Narayan Verma, Resident of College Marg, Barauni, P.S. Barauni, District- Begusarai, retired as University Professor in the subject of Physics, A.P.S.M. College, Barauni, District- Begusarai.
2. Dr. Kedar Nath Kumar Kant, S/o Late Musan Kuwar, Permanent Resident of Village- Shahbajpur, P.O.- Ghataho, P.S. Dalsinghsarai, District- Samastipur residing at Phulwaria, P.O.- Varosi, District- Begusarai, retired as Reader in the subject of Hindi, A.P.S.M. College, Barauni, District- Begusarai.
3. Prof. Amresh Shandilya, S/o Late Pandit Ramesh Datt Sharma, resident of Anant Kripa, College Marg, Barauni, P.s. - Brauni, District- Begusarai, retired as University Professor in the subject of Botany A.P.S.M. College, Barauni, District- Begusarai.
4. Binod Kumar Sinha, S/o Late Ramji Prasad, resident of Village- Phulwaria, P.O- Barauni, P.S.- Phulwaria District- Begusarai, retired as Reader in the subject of Botany A.P.S.M. College, Barauni, District- Begusarai.
5. Pramod Kumar Yadav, S/o Sri Bindeshwari Pd. Yadav, resident of K.B. Lal Road, Nathnagar Bhagalpur, presently residing at 4 Godam College Road, Barauni, P.S.- Phulwaria, District- Begusarai, retired as Reader in the subject of Zoology A.P.S.M. College, Barauni, District- Begusarai.
6. A.N. Thakur, S/o Late Indra Nand Thakur, resident of Village- Samaul, P.O.- Birair, via- Pancaul, District- Madhubani, presently residing at C/o House of Kokai Singh, Makhanshala Road, P.S.- Barauni, District- Begusarai, retired as Reader in the subject of English, A.P.S.M. College, Barauni, District- Begusarai.
7. Ramesh Prasad Sinha, S/o Late Ram Bahadur Singh, resident of Village- Kesave, Begusarai, Presently residing at Bagraha Road, Near Bijali Office, Shokhara-2, P.S.- Barauni, District- Begusarai, as Reader in the Subject of Hindi, A.P.S.M. College, Barauni, District- Begusarai.
8. Ramesh Prasad Singh, S/o late Shiv Nandan Prasad Singh, presently residing at Purani Bus Stand, P.S.- Barauni, District- Begusarai, retired as Reader in the subject of Chemistry, A.P.S.M College, Barauni, District- Begusarai.
9. Braj Kishore Sharma, S/o Late Mangru Prasad Sharma, Resident of Village- Parvalpur, P.O.- Baraila Rohtas, Sasaram, presently residing at Kali Asthan, Dindayal Road, P.S.- Barauni, District- Begusarai, retired as Reader in the subject of Hindi, A.P.S.M. College, Barauni, District- Begusarai.
10. Mritunjay Kumar Sinha, S/o Late U.P. Verma, resident of Village- Kuil, P.O.- Garhara, P.S. Barauni, District- Begusarai, worked as Reader in the Subject of Physics, A.P.S.M. College, Barauni, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Vice-Chancellor, L.N. Mithila University, Kameshwar Nagar,



Darbhanga.

4. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Principal, A.P.S.M. College, Barauni, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Singh, Adv
For the State	:	Mr. Mrigendra Kumar Ac to GP-20
For the University	:	Mr. Iqbal Asif Niaz, Adv

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

12 10-11-2025 Heard learned counsel for the petitioner and learned
counsel for the Respondent- State.

2. In the present writ application, the petitioner has
prayed for grant of following reliefs:-

“(i) For issuance of an appropriate writ of Mandamus commanding the directing the respondent to make payment the difference of arrears of salary i.e. only D.A, H.R.A and Medial allowance which is part of the salary for the period of 01.01.2006 to May 2011 on account of revision of pay scale of University and college teachers in revised UGC scale effective from 1.1.2006 which has not been paid to the petitioners.

(ii) For a direction to the respondent to make payment the aforesaid dues with interest at the rate of 12% in view of order dated 7.5.2013 passed in CWJC No. 14633 of 2010.

(iii) For issuance of any oster appropriate writ/ writs, order/ orders, direction/ directions for which the writ petitioners shall be



found entitled under the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the issue involved in this writ application was subject matter of consideration by a co-ordinate Bench of this Court in CWJC No 17983 of 2016 and CWJC No. 20161 of 2016.

4. On 10.07.2018 a common interim order was passed in both the writ applications wherein in paragraph-3,6 and 7, it was held and observed as follows:-

“(3) Coming to the crux of the matter, the issue is confined to whether the petitioners are entitled to the allowances, especially Dearness Allowance in addition to the enhanced salary, as per the U.G.C, Scheme which has been accepted by the State Government. Further, the issue, in the opinion of the Court stands restricted to the letter of the U.G.C. dated 11.05.2010 followed by the policy of the State Government as contained in its Resolution No. 2374 dated 29.07.2010, issued by the then Human Resources Development. It would be relevant to indicate here that even the period in issue is from 01.01.2006 to 31.03.2010. Though, as per the communication of the U.G.C. dated 11.05.2010, especially Clause-5 thereof, is confined only with regard to appropriate Central assistance relating to pay scales and the other allowances were left to the respective State Government as per their Rules and the State Government followed it with a policy decision in its Resolution, the relevant being Clause-12 thereof, which specifies that the person concerned shall be entitled to Dearness Allowances



as per the rates which may be notified from time to time by the State Government.

(6) Thus, as harmonious reading of the commutation of the U.G.C dated 11.05.2010 followed by the policy of the State Government contained in its Resolution dated 29.07.2010, indicates that the Dearness Allowances , over and above the salary is required to be paid to the petitioners. At this juncture, the Court may only indicate that even in the past, right from the year 1989, when the then U.G.C. Scheme was adopted by the State Government, the same condition prevailed where the reimbursement was restricted to the difference only relating to the pay scale and with regard to other allowances, the State Government has taken an independent decision. In the present case also, the U.G.C has not prohibited from such payment of allowance but has only made it clear that there shall be no reimbursement on this account by the Central Government and, thus rightly it is the State Government which has independently taken a policy decision without there being any pressure or direction of the U.G.C. However, once they have taken a policy decision, they are required to stick to the same and cannot take a different stand at this juncture.

(7) Be that as it may, since on this specific and clear cut issue, appropriate instructions have still not been sent by the Department, and moreover, the stand taken in the affidavit filed by the respondent no. 2 today, where it has been stated that the enhanced DA, HRA and medical allowances are not admissible in the U.G.C Scheme, appears to be erroneous,



learned counsel for the State submitted that she be granted some time to ensure that the authorities look into the matter in light of what has been discussed in this order so that a categorical stand can be taken balancing the Scheme of the U.G.C based on which the State Government has already taken a policy decision in the past”.

5. Thereafter, finally vide order dated 07.08.2018 one of the writ application i.e. CWJC No. 17983 of 2016 was disposed of. Paragraphs 3, 4, 5 and 6 of the order dated 07.08.2018 passed in CWJC No.17983 of 2016 read as under:-

“(3) The only controversy which remains was with regard to D.A and H.R.A. By various orders and also the State officials appearing before the Court, finally, the position which emerges, is that there is a categorical stand on behalf of the State that other Universities have been paying such dues to the employees and only L.N. Mithila University has raised this bogey and, thus, the onus is on the University to pay the amount to its employees without any State involvement. Learned counsel for the University submitted that they have been releasing sufficient funds to make payment and for which no separate fund especially earmarked for these two heads is required. It has further been clarified that the University paying it to its employees shall not be taken adversely by the State. Though further adjournment for four weeks was sought for coming out with a final position on behalf of the State, but in view of the stand taken before the court today by learned counsel for the State, it is not



deemed necessary to keep the writ petition pending.

(4) Learned counsel for the University took a categorical stand that they shall make the payment of such dues to the petitioner within three weeks from today.

(5) In view of the position emerges above, the writ petition stands disposed off in light of the stand of the State Government and that of learned counsel for the University with regard to making payment to the petitioner.

(6) The Court would only indicate that as the order has been passed on the stand taken by learned counsel for the University itself, if any violation of the same is brought to the notice of the Court, the same shall be taken seriously.”

6. Learned counsel for the petitioner further submits that as against the aforesaid judgment dated 07.08.2018 passed in CWJC No. 17983 of 2016, the University had filed an L.P.A bearing L.P.A No. 333 of 2019, which was disposed of vide order dated 08.09.2021, observing that it is the State which could have been aggrieved and not the University and consequently, it led to filing of an L.P.A by the Respondent-State which is bearing L.P.A No. 667 of 2021. Vide order dated 04.01.2023 the L.P.A No. 667 of 2021 was dismissed upholding the decision of the Co-ordinate Bench of this Court passed in CWJC No17983 of 2016, which as per the learned counsel appearing for the petitioner, squarely applies to the issue involved in the present writ applications and based on which



the learned counsel for the petitioner submits that the relief prayed by the petitioner should be allowed.

7. It is informed by the learned counsel for the Respondent- State that it is true that L.P.A No. 667 of 2021 filed by the Respondent- State was dismissed vide order dated 04.01.2023 but against the said order, a Civil Review has been filed by the Respondent- State which is bearing Civil Review No. 167 of 2023. He therefore, submits that the present writ application may be taken up after disposal of Civil Review No. 167 of 2023.

8. Learned counsel for the petitioner submits that under similar facts and circumstances another Co-ordinate Bench of this Court has passed judgment dated 06.10.2023 in CWJC No. 4012 of 2022, in which direction for payment of difference of arrears of H.R.A, Medical allowances and D.A for the period 01.01.2006 to 31.03.2010 has been given by making it subject to the out come of Civil Review no. 167 of 2022. Since the issue involved in the present case is similar to the issue involved in CWJC No. 4012 of 2022, therefore, under the factual position as discussed above, this writ application is also allowed in terms of the judgment and order dated 06.10.2023 passed in CWJC No. 4012 of 2022. Accordingly, the University



as well as State- Respondent are directed to calculate the dues of the petitioners and to ensure the payment to them as early as possible preferably, within a period of three months from the date of receipt of production of a copy of this order. This payment shall be subject to the out come of the pending Civil Review No. 167 of 2022. It is made clear that if the payment is not made to the petitioner within the aforesaid period of three months, the Respondent-State and the University shall be liable to pay simple interest @ of 6% per annum from the date of the order till the date of actual payment.

10. In the result, this writ application is allowed.

(Alok Kumar Sinha, J)

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