

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12202 of 2019

Maya Rani Wife of Krishna Bihari Resident of House No. 1, Samanpura Road, Near H.M.R.I. Raja Bazar, P.S. Shastri Nagar, District- Patna, Present Residing in the House of Ranjan Kumar Sinha, New Colony, Block Road, P.S. Bettiah Sadar, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Higher Education, Department of Education, Government of Bihar.
4. The Vice Chancellor, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
5. The Registrar, Babasahed Bhimraod Ambedkar Bihar University, Muzaffarpur.
6. The Principal, Ram Lakhan Singh Yadav College, Bettiah, West Champaran,

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Satyavrat Verma, Advocate
For the Respondent/s	:	Mr. Smt. Binita Singh (Sc 28)
For the B.R.A Bihar Univ:	:	Mr. Indrajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

5 10-11-2025 Heard learned counsel for the parties.

2. Learned counsel for the petitioner submits that during the pendency of the present writ petition, the relief sought by the petitioner has been redressed by the University, and an appropriate order shifting the date of absorption from 12.08.2015 to 10.01.1986 has been issued vide office memo no. B/977 dated 09.04.2024. It is next submitted that for the grant of consequential benefits, necessary orders are yet to be issued by



the University, for which suitable directions may be issued by this Court.

3. In response, learned counsel representing the University submits that there is already a stipulation made in the aforesaid office order dated 09.04.2024 that consequential financial and other benefits would be admissible in accordance with the judgment passed in Contempt Petition (C) No. 1188 of 2017 in Civil Appeal No. 2703 of 2017, pending before the Hon'ble Apex Court.

4. To this, learned counsel for the petitioner submits that by way of a supplementary affidavit, the order passed by the Hon'ble Apex Court in Contempt Petition (C) No. 118 of 2018 has already been brought on record, and the following directions have been issued therein:

*“As per above discussions, in our view, it would be appropriate to direct the authorities to adjudicate all the said issues through Registrar/Vice Chancellor in view of the judgment of State of Bihar & others vs Bihar Rajya M.S.E.S.K.K.M & others (2005) 9 SCC 129 and accordingly, we dispose of this petition with the following directions:
(1) The petitioner shall submit his claim along with relevant documents setting up his*



actual working in college in terms of the orders of absorption claiming salary, and also for pension from the date of absorption upto February 28, 2025 before the Registrar/Vice Chancellor of the University.

(ii) On receiving the claim of salary, a discrete enquiry be held affording due opportunity to the employee, college concerned and the representative of the State if required, and a reasoned order be passed regarding payment of salary and arrears, if any, within a period of three months thereafter.

(iii) The claim regarding pension of petitioner which has been withheld, be decided counting the period of service, w.e.f. date of absorption notionally uninfluenced by the orders dated 11.07.2019, 07.08.2019 and 12.02.2021 passed in this Contempt Petition. However, if there is prolonged period of absence, the same shall be dealt with by the competent authority in accordance with the relevant rules.

(iv) After adjudicating the issue of pension and arrears the same be paid adjusting the amount already paid as expeditiously as possible not later than two months from the date of such order.

(v) Upon adjudication, if it is found that any excess amount has been paid either under



the head of salary or pension, it be quantified and the university/college/state as the case may be, shall be at liberty to take recourse to recover the same following the procedure as permissible.

(vi) We make it clear that if the employees have submitted the joint claim of arrears of salary and pension, in that event the issue of arrears of salary be governed by direction No. (ii) and pension be governed by direction (iii).

(vii) In case, the parties feel dissatisfied by the orders of the Registrar/Vice Chancellor of the University, they shall be at liberty to take recourse as permissible before the High Court.”

5. Considering the fact that the matter has already been adjudicated by the Hon’ble Apex Court and directions have been issued therein, the University is directed to take necessary steps in terms of the said directions and issue appropriate orders for grant of consequential financial and other benefits to the petitioner within a period of six weeks from the date of representation.

6. It goes without saying that since the petitioner has already retired, the pensionary benefits to which the petitioner is entitled, and for which an appropriate representation has already



been filed, shall also be adjudicated along with the claim to be addressed by the respondents in terms of the order passed by the Hon’ble Apex Court.

7. With the aforesaid observations and directions, this writ petition stands disposed of.

(Ajit Kumar, J)

Prakash/-

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