

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17271 of 2021

Dr. Nikhil Prasad Jha, son of Late Kulbhushan Jha, Resident of Mohalla-Hatiyagaachhi, Polytechnic Road, P.S. and District-Saharsa. Retired Associate Professor, Department of Physics, M.L.T. College, Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Bhupendra Narayan Mandal University, Madhepura (B.N. Mandal University, Madhepura), through its Registrar.
4. The Registrar, Bhupendra Narayan Mandal University, Madhepura (B.N. Mandal University, Madhepura).
5. The Director, Department of Higher Education, Government of Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Adv.
For the Respondent/s : Mr.Kameshwar Kumar, GP-17

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 13-02-2025

Heard the parties.

2. At the outset, learned Advocate for the petitioner seeks permission to make the Director, Department of Higher Education, Government of Bihar as party respondent No. 5. Let the same be done during the course of the day.

3. The petitioner superannuated on 28.02.2020 from the post of Assistant Professor (Department of Physic), M.L.T. College, Saharsa. On being aggrieved by the inaction of the respondent University in not extending the benefit of arrears of



salary, the petitioner approached this Court seeking a direction upon the respondent University to extend the admissible differential salary.

4. Counter affidavit has been filed on behalf of the B.N. Mandal University with a contention that the University, vide Letter No. A/C-92/24 dated 03.09.2024, issued under the signature of the Registrar of the University, addressed to the Director, Higher Education, Government of Bihar, Patna, requesting him to provide requisite fund for making payment to the petitioner on account of arrears of salary for the period November 1986 to May 2010 and June 2010 to December 2015; the total amount payable to the petitioner is found to be Rs.1610092/-.

5. Referring to the averments made in the counter affidavit, learned Advocate for the petitioner thus contended that the claim of the petitioner regarding arrears of difference of salary has been found admissible. However, despite the request sent by the University to the State till date, fund has not been made available to the University, in absence of which the admissible dues could not be paid.

6. In view of the aforesaid fact, the newly added respondent no. 5 is directed to make available the fund for



payment of admissible dues to the petitioner, preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

7. It is made clear that no sooner the fund is made available to the University, the necessary payment shall be made forthwith.

8. With the aforesaid direction, the writ petition stands disposed.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	14 .02.2025
Transmission Date	

