

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5690 of 2017

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Awadhesh Sharma Son of Shri Ramashray Sharma, Resident of Village-
Mirapur, P.S.-Sakurabad, District-Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Education, Government of Bihar,
Patna.
3. The Director Higher Education, Department of Education, Government of
Bihar, Patna
4. The Special Secretary, Department of Education, Government of Bihar,
Patna.
5. Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar,
Darbhanga through its Registrar.
6. The Vice Chancellor, Kameshwar Singh Darbhanga.
7. The Registrar, Kameshwar Singh, Darbhanga Sanskrit University,
Kameshwar Nagar, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar
For the Respondent/s	:	Mr. Jitendra Kr. Roy No. 1, SC-13 Mr. Binay Bhushan Prasad, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 9 | 16-09-2025 | <ol style="list-style-type: none">1. Heard learned counsel for the parties concerned.2. The petitioner, who is working as Assistant Professor, in the Department of Hindi in Sri Ram Sanskrit College, Sarauti, Rampurchauram, Arwal, Jehanabad, affiliated to Kameshwar Singh Darbhanga Sanskrit University, has filed the present writ application for quashing of the order as contained in the memo no. 15/C2-64/2014-412, dated 27.02.2025, by which the respondent-State has refused to give |
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approval of salary of the petitioner due since 01.06.2011.

3. The petitioner has further prayed for a direction to the respondent-authorities to release the fund for payment of salary to the petitioner, who is working as Assistant Professor in the Department of Hindi in the aforesaid college.

4. Learned counsel for the petitioner submits that the petitioner was appointed by the Governing Body of the College on 30.12.1976 on the vacant sanctioned post of Lecturer in the Department of Hindi after following due process of selection and started discharging his duties in the College.

5. The petitioner started getting his salary continuously from 01.04.1980 without break till May, 2011, but all of a sudden the salary has been stopped since June, 2011. The petitioner discharged his duties diligently since 2011 and after attaining the age of 65 years has superannuated from the post of Associate Professor, Department of Hindi, Sri Ram Sanskrit College, Sarauti, Rampurchauram, Arwal, Jehanabad, on 31.12.2017.

6. The stand has been taken in the impugned order as well as in the counter affidavit by the respondent/s that the appointment of the petitioner was not approved by the Bihar College Service Commission inasmuch as in the view of the



amendment in the Bihar States Universities Act, 1976, made in the year 2015, a new Sub Section (6) has been incorporated in Section 57A on 27.08.2015, by which, the Selection Committee, subject to this Act, will complete the scrutiny of the cases of teachers of affiliated degree colleges appointed prior to 19.04.2007 without recommendation of Bihar College Service Commission on the basis of qualification enforced at the time of appointment of such teachers up to 31.03.2017, which was extended up to 31.03.2018.

7. Learned counsel further submits that the matter of the petitioner as Lecturer was placed before the duly constituted Selection Committee by the Kameshwar Singh Darbhanga Sanskrit University in view of the amended provision and after due consideration, the Selection Committee recommended and approved the appointment of the petitioner on the post of Lecturer from the date of his joining i.e. 31.12.1976. The recommendation of the Selection Committee, dated 17.02.2018, has been brought on record by the petitioner by way of rejoinder affidavit at Annexure-P/12.

8. The Governing Body of the College accepted the said recommendation of the Selection Committee and recommended the proposal of the petitioner before the



University with a request to grant approval of the said proposal.

9. The matter was before the Approval, Seniority and Pay Fixation Committee of the University. A detailed report was prepared and statutory committee, in its meeting, dated 14th and 15th March, 2018, recommended and approved the said proposal sent by the College and thereafter the matter was placed before the Syndicate of the University on 24th March, 2018. The Syndicate, after due consideration of the proposal, vide Item No. 3 of the Agenda No. 18.1.4, approved the confirmation of services of the petitioner in the College as Lecturer in the Department of Hindi w.e.f. 01st April, 1980. The notification in this regard was issued by the University vide Memo No. 719, dated 09th May, 2018. The Minutes of the Syndicate has been annexed at Annexure-P/13 to the rejoinder affidavit.

10. Learned counsel next submits that since the petitioner has already superannuated from services and his appointment as Lecturer is in accordance with law, as such, the petitioner is entitled to the entire arrears of salary due since June, 2011. The petitioner is further entitled for payment of his entire dues with interest on the said amount as well as for grant of his pensionary benefits as per UGC pay scale.

11. On the other hand, learned counsel for the State



submits that the State will contact the University regarding the amount which are required to be paid to the petitioner towards his arrears of salary and other admissible retiral dues.

12. Learned counsel for the Kameshwar Singh Darbhanga Sanskrit University, in turn, submits that the University shall send a bill to the State Government after verifying the working details of the petitioner for payment of arrears of salary and other admissible retiral dues in favour of the petitioner within a period of two months.

13. Having heard the arguments advanced by learned counsel for the parties and taking into consideration the nature of prayer and the fact that the petitioner's appointment as Lecturer has been approved by the Selection Committee as per the statutory requirement under Section 57A of the Bihar States Universities Act, the impugned order, annexed at Annexure-1 to the writ application is fit to be set aside.

14. In the result, Annexure-1 is set aside and the respondent no. 03-Director, Higher Education, Department of Education, Government of Bihar, Patna, is directed to release the fund within a period of two months from the date of receipt of bill submitted the University for payment of salary and other dues in favour of the petitioner.



15. The University is further directed to make the payment to the petitioner within a period of 15 days from the date of receipt of the fund from the respondent-State.

16. With the aforesaid observations and directions, this writ application is, accordingly, disposed.

(Anil Kumar Sinha, J)

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