

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19199 of 2021**

Dr. Umesh Jha Son of Late Shyam Sundar Jha Resident of Village and Post-  
Mahrail P.S.- Rudrapur District- Madhubani at present posted as Reader in  
Kirti Narayan Kamakhya Sanskrit Mahavidyalaya, Mahrail District  
Madhubani.

... .. Petitioner/s

Versus

1. Kameshwar Singh, Darbhanga Sanskrit University Kameshwar Nagar,  
Darbhanga through its Registrar.
2. Vice- Chancellor, Kameshwar Singh Darbhanga Sanskrit University,  
Kameshwar Nagar, Darbhanga.
3. Registrar, Kameshwar Singh, Darbhanga Sanskrit University, Kameshwar  
Nagar, Darbhanga.
4. Governing Body, Kirti Narayan Kamakhya Sanskrit Mahavidyalaya,  
Mahrail, District- Madhubani, through its Secretary.
5. The State of Bihar through Principal Secretary, Department of Education,  
Government of Bihar, Patna.

... .. Respondent/s

with

**Civil Writ Jurisdiction Case No. 19150 of 2021**

Uday Kumar Jha Son of Late Kamala Kant Jha Resident of Village and Post-  
Kanhauri, P.S.- Manigachhi, District- Darbhanga at present posted as  
Principal, Kirti Narayan Kamakhya Sanskrit Mahavidyalaya, Mahrail,  
District- Madhubani.

... .. Petitioner/s

Versus

1. Kameshwar Singh, Darbhanga Sanskrit University Kameshwar Nagar,  
Darbhanga through its Registrar.
2. Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University,  
Kameshwar Nagar, Darbhanga.
3. Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar  
Nagar, Darbhanga.
4. Governing Body, Kirti Narayan Kamakhya Sanskrit Mahavidyalaya,  
Mahrail, District- Madhubani, through its Secretary.
5. The State of Bihar through Principal Secretary, Department of Education,  
Government of Bihar, Patna.

... .. Respondent/s



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**Appearance :**

(In Civil Writ Jurisdiction Case No. 19199 of 2021)

For the Petitioner/s : Mr. Durga Nand Jha, Advocate

For the Respondent/s : Mrs. Binita Singh, ( SC 28 )

(In Civil Writ Jurisdiction Case No. 19150 of 2021)

For the Petitioner/s : Mr. Durga Nand Jha, Advocate

For the Respondent/s : Mr. Subhash Chandra Mishra, (Sc16)

For the Resp. No.5 : Mr. Amish Kumar, Advocate

Mr. Shankar Kumar Choudhary, Advocate

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL JUDGMENT**

**Date : 29-04-2025**

Heard Mr. Durga Nand Jha, learned counsel appearing on behalf of the petitioners; Mrs. Binita Singh, learned SC 28 along with Mr. Subhash Chandra Mishra, learned SC 16 for the State and Mr. Amish Kumar, along with Mr. Shankar Kumar Choudhary, learned counsels appearing on behalf of the respondent no.5.

2. The issue involved in both the writ applications are similar and at the request of the respective counsels, both are being heard together and are being disposed of by a common order.

3. Petitioner of **CWJC No.19199 of 2021** has, *inter alia*, prayed for following reliefs in the paragraphs No.1 of the writ petition:-

*“(i) Issuance of a writ in the nature of Mandamus directing and commanding the Respondents to allow the pay of petitioner in the pay-scale payable to reader and thereby to pay him the arrears of differences w.e.f. 01.04.1993*



*which is withheld by the Respondents without any cogent reason.*

*(ii) Issuance of an appropriate direction/order to Respondent to fix the pay of petitioner in the pay scale of Rs. 3000-5000 w.e.f. 01.04.1993; in the pay scale of Rs. 12000-18300 w.e.f. 01.01.1996 I the pay scale of Rs. 37400-67000 with Grade pay of Rs. 9000 w.e.f. 01.01.2006 and fix the pay at Rs. 1,66,400 on 01.07.2016 and at Rs. 1,98,700 w.e.f. 01.07.2021 and thereby to pay the entire arrears w.e.f. 01.04.1993 i.e. the date on which the petitioner was allowed promotion on the post of Reader.*

*(iii) Issuance of an appropriate declaration and holding that once present to direction of the Hon'ble Chancellor dated 20.12.1986 and statute-30 the selection committee had recommended for grant of time bound promotion to petitioner w.e.f. 01.04.1993 and such recommendation for grant of time bound promotion to the post of Reader was duly approved by the university vide office order contained in Memo no. 12076 dated 08.08.2012 w.e.f. 01.04.1993, there appears no justification for the authorities of the university not to allow the pay scale of Reader to petitioner and to withhold the payment of salary against the post of Reader w.e.f. 01.04.1993.*

*(iv) Issuance of an appropriate declaration and holding that the petitioner is entitled to salary payable against the post of Reader on which post the petitioner was duly promoted as per statute and his promotion was duly approved after following the procedures and is working on said post w.e.f. 01.04.1993, with entire arrears with interest @18% and penal interest forth with for which university is obliged to pay.*

*(v) Any other relief or reliefs be granted to petitioner to which he is found to be entitled to."*

4. Petitioner of **CWJC No.19150 of 2021** has, *inter alia*, prayed for following reliefs in the paragraphs No.1 of the writ petition:-

*“(i) Issuance of a writ in the nature of Mandamus directing and commanding the Respondents to allow the pay of petitioner in the pay-scale payable to reader and thereby to pay him the arrears of differences w.e.f. 01.04.1993*



*which is withheld by the Respondents without any cogent reason.*

*(ii) Issuance of an appropriate direction/order to Respondent to fix the pay of petitioner in the pay scale of Rs. 3000-5000 w.e.f. 01.04.1993; in the pay scale of Rs. 12000-18300 w.e.f. 01.01.1996 I the pay scale of Rs. 37400-67000 with Grade pay of Rs. 9000 w.e.f. 01.01.2006 and fix the pay at Rs. 1,66,400 on 01.07.2016 and at Rs. 1,98,700 w.e.f. 01.07.2021 and thereby to pay the entire arrears w.e.f. 01.04.1993 i.e. the date on which the petitioner was allowed promotion on the post of Reader.*

*(iii) Issuance of an appropriate declaration and holding that once present to direction of the Hon'ble Chancellor dated 20.12.1986 and statute-30 the selection committee had recommended for grant of time bound promotion to petitioner w.e.f. 01.04.1993 and such recommendation for grant of time bound promotion to the post of Reader was duly approved by the university vide office order contained in Memo no. 12072 dated 08.08.2012 w.e.f. 01.04.1993, there appears no justification for the authorities of the university not to allow the pay scale of Reader to petitioner and to withhold the payment of salary against the post of Reader w.e.f. 01.04.1993.*

*(iv) Issuance of an appropriate declaration and holding that the petitioner is entitled to salary payable against the post of Reader on which post the petitioner was duly promoted as per statute and his promotion was duly approved after following the procedures and is working on said post w.e.f. 01.04.1993, with entire arrears with interest @18% and penal interest forth with for which university is obliged to pay.*

*(v) Any other relief or reliefs be granted to petitioner to which he is found to be entitled to."*

5. Brief facts of the case of the Petitioner (**Dr. Umesh Jha**) of **CWJC No.19199 of 2021** are that the petitioner was initially appointed on the post of lecturer **Jyotish** subject on temporary basis for a period of six months by the Governing Body of the College vide letter no.313/81 dated 31.05.1981 and



accordingly, he joined on 04.06.1981 in Kirti Narayan Kamakhya Sanskrit College, Mahrail. Thereafter, the service of the petitioner was extended from time to time. In the meantime, pursuant to the advertisement of the year 1989, issued by the Bihar College Service Commission, the petitioner applied and after interview, he was recommended by the Commission for permanent appointment *vide* letter no.124 dated 13.07.2002 (Annexure 2 to the writ petition). Thereafter, the matter was placed in the meeting of Governing Body on 06.12.2002 and it was resolved that the appointment of the petitioner be made permanent and same was communicated to the petitioner *vide* letter no.32/02 dated 13.12.2002 (Annexure 3 to the writ petition), pursuant to which, the petitioner submitted his joining as permanent lecturer on 18.12.2002. The service of the petitioner was confirmed by the Syndicate *vide* Programme No.5 dated 05.12.2009 with effect from 01.04.1983 and the same was communicated to the petitioner *vide* Memo no.8216/10 dated 20.08.2010. Thereafter, the matter of the petitioner was placed before the promotion committee of the university and accordingly, the university *vide* office order contained in memo no.12076 dated 08.08.2012 (Annexure 6 to the writ petition) approved the time bound promotion to the



petitioner against the post of **reader** w.e.f. 01.04.1993. However, after his promotion, the petitioner was not granted required pay scale, though the petitioner has been representing the matter before the university since the year 2013, forcing the petitioner to file the present writ petition.

6. Brief facts of the case of the Petitioner (**Uday Kumar Jha**) of **CWJC No.19150 of 2021** are that the petitioner was initially appointed on the post of lecturer **Sahitya** subject by the Secretary of the Governing Body of the College vide letter no.319/81 dated 30.12.1981 and thereafter, he joined on 06.01.1982 in Kirti Narayan Kamakhya Sanskrit College, Mahrail. Thereafter, the service of the petitioner was extended from time to time. In the meantime, pursuant to the advertisement of the year 1989, issued by the Bihar College Service Commission, the petitioner applied and after interview, he was recommended by the Commission for **permanent appointment vide letter no.21 dated 08.04.2002** (Annexure 1 to the writ petition). Thereafter, the matter was placed in the meeting of Governing Body on 19.05.2002 and it was resolved that the appoinemnt of the petitioner be made permanent and same was communicated to the petitioner vide letter no.9/02 dated 20.05.2002, pursuant to which, the petitioner submitted his joining as permanent lecturer on 20.05.2002. The service of the petitioner was confirmed by the Syndicate vide Programme No.5



dated 05.12.2009 with effect from 01.04.1983 and the same was communicated to the petitioner *vide* Memo no.VC0147 dated 26.08.2010. Thereafter, the matter of the petitioner was placed before the promotion committee of the university and accordingly, the university vide office order contained in memo no.12072 dated 08.08.2012 approved the time bound promotion to the petitioner against the post of **reader** w.e.f. 01.04.1993. However, after his promotion, the petitioner was not granted required pay scale, though the petitioner has been representing the matter before the university since the year 2013, forcing the petitioner to file the present writ petition.

7. Learned counsel appearing on behalf of petitioners submittd that Petitioner of **CWJC No.19199 of 2021, namely, Dr. Umesh Jha** and petitioner of **CWJC No.19150 of 2021 namely, Uday Kumar Jha** were appointed by the Governing Body in Kirti Narayan Kamakhya Sanskrit College, Mahrail, on the post of lecturer, for the *Jyotish* and *Sahitya* subjects, respectively. The petitioners are aggrieved for non-payment, of the required pay scale, after granting the financial up-gradation accruing to them, from the date of their appointment. In the letter dated 22.07.2011, addressed by the In-charge Vice Chancellor to the Secretary/Principal of the College, it has been admitted that the petitioners are entitled for a time bound



promotion and financial up-gradation, accrued, as a result of completion of their services of 10 years, in light of Section 23 of the Bihar State Universities Act 1976, as amended in the year 2007 and in a letter issued from the office of the Governing Body, contained in Memo No.2177 dated 30.06.2008, it has been informed that in light of the letter dated 15.09.2010, the directives were given to complete the process by 31.03.2010. From the information contained in letter dated 22.02.2011, it appears that the Kameshwar Singh Darbhanga Sanskrit University granted financial benefit, as a result of time bound promotion, to altogether six lecturers, including the petitioners, in different subjects.

8. Considering the aforesaid information, I find that the petitioners, in the writ petitions, have not pleaded in a very clear manner, and from the counter affidavit, also it appears that appointment of the petitioners, by the Governing Body, has not been questioned. In counter affidavit, proper information has not been given that, as to when, and in which year, the posts in subject of *Jyotish* and *Sahitya* were sanctioned by the State Government. By taking the status of the petitioners that they were appointed as temporary teachers for a maximum period of six months, in view of the section 35 of the Bihar University



Act, they were somehow allowed to continue by the Governing Body, as well as, by the said University, which is not permissible under the law. I find that taking resort to the provision of section 35 of the Bihar University Act, in absence of any information in respect of the total number of posts and the year, in which the posts were sanctioned, the State cannot be said to have acted in a fair manner, when it has admitted that the said University allowed the teachers to work. It has also been made clear that at no point of time, neither, the status of this college, nor, the status of the teachers was questioned by the State Government, who have been allowed to continue from the date of their appointment, to teach in respective subjects, on the sanctioned posts and now the State Government is taking divergent view that the petitioners, who were appointed as permanent teachers in the year 2002, are not entitled for the posts from the date of their appointment i.e. 01.04.1993, can only be said to be not well founded.

9. In the above facts and circumstances of the case, as well as, the information contained in the writ petitions and the counter affidavit, I find it proper to direct the Registrar of the University to call all the service particulars relating to the petitioners, as well as, the date on which the State Government



had accrued to sanction *Jyotish* and *Sahitya* subjects, in which the petitioners are continuing till date and if it is found that the posts are sanctioned on any later date, after the appointment of the petitioners, then in that case, the petitioners are entitled for the required reliefs, from the date of the sanctioned posts. It is also made clear that the budgetary allocation is earmarked for each and every post, which are sanctioned by the University and in that view also, the petitioners become entitled for the reliefs, as prayed for in the present writ petitions.

10. The petitioners, if so advised, may also co-operate with the University by filing their individual detailed representation, along with all the required information, to support their cases, in respect of their claims, as prayed for in the present writ petitions.

11. If the claims of the petitioners are accepted by the Registrar of the University, then in that case, the Registrar must facilitate at his own level, by pursuing the matter relating to the petitioners before the Additional Chief Secretary, Education Department, Government of Bihar, who, in turn, must take steps to get the amount sanctioned from the Finance Department, which is required to be paid to the petitioners. The above exercise is directed to be concluded well within a period of two



months.

12. Accordingly, the present writ petitions stand disposed of.

**(Purnendu Singh, J)**

Ashishsingh/-

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