

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14418 of 2025

1. Ashish Kumar Son of Sri Surendra Mandal, resident of village and Post - Dabhada, Jhowa Tola Ward No. 11, P.S.- Kurshakata District- Araria, Pin Code- 454311, presently working as Class IV employee (Orderly), in Anant Lal Sarvjanik Sanskrit Upshastri Mahavidyala, Jamua Khamgara, P.O. and P.S.- Jamua, District- Araria, Bihar.
2. Anshu Kumari, W/o Abhishek Kumar Jha, D/o Amrendra Kumar Jha, resident of village- Khamgara, Ward No. 04, P.O. and P.S.- Jamua, Khamgara, District- Araria, Pin Code- 854331, presently working to the Post of Lower Division Clerk (LDC) in Anant Lal Sarvjanik Sanskrit Upshastri Mahavidyala, Jamua Khamgara, P.O. and P.S.- Jamua, District- Araria, Bihar.
3. Basuki Nath Jha, Son of Sri Madhav Nath Jha, resident of village- Khamgara, Ward No. 06, P.O. and P.S.- Jamua, Khamgara, District- Araria, Pin Code- 854331, presently working as Class IV employee (Night Guard), in Anant Lal Sarvjanik Sanskrit Upshastri Mahavidyala, Jamua Khamgara, P.O. and P.S. - Jamua, District- Araria, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Vikash Bhawan, New Secretariat, Bihar, Patna.
3. The Secretary, Higher Education, Education Department, Vikash Bhawan New Secretariat, Government of Bihar, Patna.
4. The Deputy Secretary, Higher Education, Education Department, Vikash Bhawan New Secretariat, Government of Bihar, Patna.
5. The Special Secretary, Higher Education, Education Department, Vikash Bhawan New Secretariat, Government of Bihar, Patna.
6. The Director, Higher Education, Education Department, Vikash Bhawan New Secretariat, Government of Bihar, Patna.
7. The In-charge, Pay Verification Cell, Education Department, Government of Bihar, Patna.
8. The Kameshwar Singh Darbhanga Sanskrit University, Kameshwarnagar, Darbhanga through its Registrar.
9. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwarnagar, Darbhanga.
10. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
11. The Finance Officer, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
12. The Secretary, Anant Lal Sarvjanik Sanskrit Upshastri Mahavidyala, Jamua Khamgara, Araria.



13. The Principal, Anant Lal Sarvjanik Sanskrit Upshastri Mahavidyala, Jamua Khamgara, Araria.

... .. Respondent/s

Appearance :

For the Petitioner : Mr. Kaushalesh Choudhary, Advocate
For the State : Dr. Mankeshwar Tiwari, AC to AAG-3
For the University : Mr. Binay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 04-09-2025 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Kameshwar Singh Darbhanga Sanskrit University (in short University).

2. The instant writ application has been filed on behalf of the petitioners for the following reliefs:-

(i) For commanding the respondents for payment of salary and admissible allowances to all the three petitioners from the date of their joining i.e. 12.03.2020, as the petitioner no.1 was appointed on 12.03.2020 to Class IV post of orderly, by the Secretary of Anant Lal Sarvjanik Sanskrit Upshashtri Mahavidyalaya, Jamua Khamgara, and submitted his joining on 12.03.2020, petitioner no.2 appointed on 12.03.2020 to the post of Lower Division Clerk (LDC) by the Secretary of aforesaid College and submitted her joining on 12.03.2020 itself, whereas, the petitioner no.3 was appointed on 12.03.2020 to the Class-IV post of Night Guard by the Secretary of the aforesaid College and submitted his joining on 12.03.2020, though all



of the petitioners are performing their duties regularly since the date of their joining, but their salary and allowances have not been paid to them by the University, though the necessary fund for payment of salary and allowances to the teaching and non-teaching employees of Colleges and University has already been released by the State Government for the financial year 2023-24, 2024-25 and the financial year 2025-26.

(ii) For directing the respondents 1st set commanding them to issue direction to respondents 2nd set for payment of salary and allowances to all the three petitioners.

(iii) For grant of relief(s) to which the petitioners may be found entitled in the facts and circumstances of the case.

3. Learned counsel for the petitioners submits that petitioner no.1 was appointed on 12.03.2020 to the Class-IV post of Orderly by the Secretary of Anant Lal Sarvjanik Sanskrit Upshashtri Mahavidyalaya, Jamua Khamgara, and joined on the same date. Petitioner no.2 was appointed on 12.03.2020 to the post of Lower Division Clerk (LDC) by the Secretary of the aforesaid College and also submitted her joining on 12.03.2020. Likewise, petitioner no.3 was appointed on 12.03.2020 to the Class-IV post of Night Guard



by the Secretary of the said College and submitted his joining on the same date. It is further submitted that the appointment of the petitioners were duly approved by the Governing Body of the said College, which had passed Resolution No. 2 on 04.05.2019 for appointments against vacant and sanctioned posts of teaching and non-teaching staff. It is further contended that a similar matter was filed before this Court being CWJC No. 6011 of 2025, where the payment of salaries of similarly situated persons were not being paid from the date of their joining, a co-ordinate Bench of this Court, after hearing the parties and considering the stand taken by the University, the writ petition was disposed of vide order dated 15.04.2025. The Court directed that, in view of the statement made by the learned counsel for the State that the funds had already been released, therefore, there should be not be hurdle before the University to proceed with the payment of salaries to the concerned persons. The relevant portion of the order dated 14.04.2025 passed in C.W.J.C. No.6011 of 2025 is extracted herein:

6. Learned counsel appearing on behalf of the University informs that after verification, as to whether, the amount which has been released is earmarked in



respect of payment of salary of the petitioner and if it is found that the allotted fund also includes for required payment of salary etc. of the petitioner; the same will be paid to the petitioner forthwith.

7. It is expected from the Registrar of the University that he must not delay for any reason or for his any personal intent. He must release after verifying from the information relating to the petitioner and the information which has been brought on record in the present writ petition.

8. In view of the information given by the learned State counsel that the fund has already been released, the payment must be made to the petitioner forthwith, not beyond a period of one week.

4. Considering the aforesaid, this case may also directed to be considered on similar terms as that of the petitioners in whose cases the approval of payment against their respective posts was granted by the Senate, and the appropriate funds have been duly released in accordance with the budget presented before the State Government.

5. Let this case be also decided by the respondents within a period of six weeks from the date of production/receipt of a copy of this order.



6. Accordingly, the instant application stands disposed of with the aforesaid direction.

(Ajit Kumar, J)

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