

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14488 of 2022

Dr. Gopal Prasad Singh S/o Chandeshwer Prasad Singh R/o Laxminath Nagar, Ward No.- 05, Near Shikshak Sangh, P.O. and P.S. and District- Saharsa- 852201.

... .. Petitioner/s

Versus

1. The B.N. Mandal University Madhepura, through its Registrar.
2. The Vice Chancellor, B.N. Mandal University, Madhepura.
3. The Registrar, B.N. Mandal University, Madhepura.
4. The Finance Officer, B.N. Mandal University, Madhepura.
5. The Principal, S.N.S.R.K.S. College, Saharsa.
6. The State of Bihar, through the Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
7. The Director, Higher Education, Education Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Advocate Mr. Narendra Kumar Sinha, Advocate Mr. Ram Naresh Jha, Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar (Gp 17)

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 22-04-2025

Heard learned counsel for the parties.

2. The petitioner has filed this writ petition claiming Rs. 30,12,108/- being the salary for the period from August 2003 to December, 2015 (wrongly typed as December, 2005 in paragraph No. 1(i) of the writ petition) for having worked as Associate Professor and in various other capacities in S.N.S.R.K.S. College, Saharsa under B.N. Mandal University for the period mentioned above.



3. Respondent Nos. 1 to 4/University have filed a counter affidavit and a supplementary counter affidavit.

4. In paragraph No. 4 of the supplementary counter affidavit, it has been stated as under:-

“4. That it is respectfully stated and submitted that vide letter no. A/C-108/24 dated 18.10.2024 issued under the signature of the Registrar of the University, addressed to the Patna High Court CWJC No.14488 of 2022(7) dt. 08-04-2025 2/2 Director, Higher Education, Department of Education, Government of Bihar, Patna, requested for release of Rs. 30,13,108/- for making payment of the arrears of salary of the petitioner for the period August, 2003 to December, 2015. It is pointed out here that the University is short of fund for making payment to the petitioner, the University will immediately make payment of the amount, released by the State Government, in favour of the petitioner.”

5. On perusal of paragraph No. 4 of the supplementary counter affidavit filed by the University as noted, hereinabove, it appears that the University has admitted that the petitioner is entitled to arrears of salary amounting to Rs. 30,12,108/- for the period from August 2003 to December, 2015.

6. The respondent Nos. 6 – 7/the State have also contested the case by filing a counter affidavit.



7. The respondent Nos. 6-7/the State in the counter affidavit filed does not elaborate as to how the petitioner is not entitled to the arrears of salary as claimed in the writ petition, except to say that the petitioner's claim of salary for the month of August, 2003 to December, 2015 amounts to Rs. 30,13,108/- is highly illegal, arbitrary, malafide, malicious and unsustainable in the eye of the law.

8. Upon Consideration of the rival pleadings of the parties, this Court in the proceeding held on 08.04.2025 had passed the following order:-

'Heard learned counsel for the parties.

2. The petitioner has filed this writ petition claiming Rs. 30,13,108/- being the salary for the period August, 2003 to December, 2015 (wrongly typed as December, 2005 in paragraph 1(i) of the writ petition) for having worked as Associate Professor and in various other capacities in S.N.S.R.K.S. College, Saharsa under B.N. Mandal University in the period mentioned above.

3. Respondent Nos.1 to 4 – University have filed counter affidavit and supplementary counter affidavit. 4. In paragraph 4 of supplementary counter affidavit filed by the University, it has been stated as under:

“4. That it is respectfully stated and submitted that vide letter no. A/C-108/24 dated 18.10.2024 issued under the signature of the Registrar of the University, addressed to the Patna High Court CWJC No.14488 of



2022(7) dt.08-04-2025 2/2 Director, Higher Education, Department of Education, Government of Bihar, Patna, requested for release of Rs. 30,13,108/- for making payment of the arrears of salary of the petitioner for the period August, 2003 to December, 2015. It is pointed out here that the University is short of fund for making payment to the petitioner, the University will immediately make payment of the amount, released by the State Government, in favour of the petitioner.”

5. In view of the above, learned Government advocate prays for and is granted two weeks’ time to apprise this Court on the next date fixed as to by which time the State Government will release the necessary fund for payment of petitioner’s arrears of salary.

6. List this case on 22.04.2025.’

9. Despite, two weeks’ time granted to the learned State counsel on his prayer on 08.04.2025 to enable him to apprise this Court, as to by which time the State Government will release the necessary fund for payment of petitioner’s arrears of salary, the learned State counsel has submitted that he has not been instructed in this matter by the respondent Nos. 6-7/the State.

10. Under the aforesaid circumstances, since the claim of the petitioner has been admitted by the respondent-University, under which institution, the petitioner had rendered his services and the payment of arrears of salary for the petitioner remains



unpaid only on account of non-release of the necessary fund for such payment by the State Authorities, this writ petition is hereby disposed of with a direction to the respondent Nos. 6-7 to release Rs. 30,12,108/- to the University Authorities for payment of petitioner's arrears of salary for the period from August, 2003 to December, 2015 within a period of four weeks from the date of receipt of a certified copy of the order.

11. Upon receipt of the necessary fund that may be released from the State Authorities as directed, the respondent-University shall pay the same to the petitioner forthwith.

12. The writ petition stands disposed of with the above directions.

(Nani Tagia, J)

Siddharth
Sagar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.04.2025
Transmission Date	NA

