

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9475 of 2017

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Mohammad Ali Imam Son of Late Md. Rizwan, Resident of Mohalla-M.M.H.
Nagar Colony Siwan, P.S. District-Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Jai Prakash University, Chapra, through its Registrar, District-Chapra.
3. The Vice-Chancellor, Jai Prakash University, Chapra,
4. The Registrar, Jai Prakash University, Chapra.
5. Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur, through its Registrar.District-Muzaffrp
6. The Vice-Chancellor, Babasaheb Bhim Rao Ambedkar Bihar University, Muzaffarpur District Muzaffarpur
7. The Registrar, Babasaheb Bhimrao Ambedkar Bihar University, Muzzafapur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shubh Narain Singh
		Ms. Shifa Khan
For the State	:	Mr. AC to AAG 15
for J. P. University	;	Mr. Bajrangi Lal

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 13 09-10-2025 1. The petitioner has filed the present writ application for a direction to the J. P. University, Chapra, to pay the due amount of arrears of difference of salary for the period 01.01.2006 till his retirement, on 28.02.2010. He has further prayed for a direction to the Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur, to pay the petitioner due amount of interim relief for the period 1979 to 1987.
2. The petitioner was appointed as a Lecturer in the



Department of Geography in Z. A. Islamia College, Siwan, on 12.11.1979. Subsequently, he was promoted to the post of Reader on 12.11.1989, and became the Head of the Department of Geography in the said College.

3. Learned Counsel for the petitioner submits that with effect from 01.01.1996, the U.G.C. pay scale was implemented with actual financial benefit to be paid from 01.04.2001 to all the teaching and non-teaching employees. The petitioner continued to get his salary on the old pay scale even after 01.04.2001 till his retirement from the post of Reader/Head of the Department of Geography on 28.02.2010. The total amount of arrears claimed by the petitioner towards the difference of salary on the UGC pay scale for the said period was Rs. 7,74,041/-.
4. Being aggrieved by non-payment of his salary on the basis of UGC pay scale, the petitioner filed CWJC No. 12352 of 2012 before this Court, seeking direction for payment of his due arrears of difference of his salary. This writ application was disposed vide order, dated 19.07.2012, directing the respondents to consider the grievance of the petitioner and pay the legitimate dues in



accordance with law.

5. A contempt application, bearing M.J.C. No. 5906 of 2012, was also filed before this Court by the petitioner, alleging non-compliance of the earlier order.
6. The contempt application was disposed by this Court vide order, dated 13.01.2015, in view of the submission made by learned Counsel for the University that the grievance of the petitioner has been redressed. However, the Court granted the petitioner liberty to approach the appropriate forum if any grievance still exists.
7. Learned Counsel for the petitioner submits that during the pendency of the contempt application, a sum of Rs. 7,58,285/- has been paid to the petitioner for the period 2001 to 2005 and the arrears of difference of salary for the period 01.01.2006 till his retirement on 28.02.2010 has not been paid by the J. P. University, Chapra and Rs. 21,650/- was to be paid by the Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur. The petitioner once again submitted fresh representations on 14.01.2016 before the University, in which he has disclosed the payable amount of Rs. 3,95,126/-.
8. Learned Counsel for the Universities submit that a



supplementary counter affidavit has been filed on behalf of the University placing on record a detailed calculation chart of the petitioner's salary and arrears to be paid from 01.01.2006 till 28.02.2010 as well as the amount already disbursed.

9. The petitioner has filed the present writ application for payment of arrears of difference of salary for the period 01.01.2006 to 28.02.2010, amounting to Rs, 3,95,126/- payable by the J. P. University, Chapra. The petitioner, in his representation, has clearly stated that for the period 01.01.2001 to December, 2005, Rs. 7,58,285/- has been paid to him. The University, upon detailed scrutiny, has recalculated the entitlement of the petitioner based on the pay scale of 5th and 6th pay revision. After receiving the pay scale from January, 2006 to February, 2010, the differential amount payable to the petitioner comes to Rs. 14,50,572/-.

10. Learned Counsel for the University submits that the petitioner has admitted in paragraph 2 of the supplementary affidavit that he has already received the total amount of Rs. 17,82,573/-. Thus, according to the University, the petitioner has been over paid by Rs.



3,31,926/- and no further amount remains payable to him.

11.Learned Counsel for the University further submits that so far as the due amount for the period 1979 to 1987 from Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur is concerned, upon verification, it was found that similar interim reliefs for the period 1979 to October 1992 has already been paid to the petitioner under different heads, amounting to Rs. 1,24,506/-. After adjustment, the petitioner has been overpaid to the extent of Rs. 2,07,420/-.

12.Upon combined consideration of both the claims, the petitioner has received excess payment, amounting to Rs. 2,07,420/-, which is recoverable from him. The certificate produced by the petitioner's college, showing a supposed outstanding amount of Rs. 25,16,264/-, is not based upon any genuine calculation and does not reflect the actual payment record available with the University. The said figure is, therefore, incorrect and misleading.

13.I have heard learned Counsel for the parties concerned and have gone through the materials available on record.

14.This Court finds that the present writ petition has been filed for payment of arrears of difference of salary for the



period 01.01.2006 to 28.02.2010 and also some amount of interim relief for the period 1979 to 1987 from Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.

15.The respondents have placed on record the detailed calculations chart showing the total entitlement of the petitioner under the revised 5th and 6th pay scales for the period 2006 to 2010 and found the total payable amount to be Rs. 14,50,572/-.

16.The petitioner, in the supplementary affidavit, has stated that he has already received payment of Rs. 17,82,573/-. The contention of the University that the petitioner has been paid an amount substantially higher than his due entitlement appears to be correct.

17.So far as the petitioner's claim regarding interim relief for the period 1979 to 1987 from the Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur, is concerned, it is apparent from the face of the record that the amount has already been released and paid to the petitioner and it is the stand of the University that the petitioner was over paid.

18.Considering the aforesaid, this Court finds that the



grievance of the petitioner has been fully redressed as he has already received the payment of arrears of difference of salary and the amount towards interim relief.

19.This writ application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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