

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.997 of 2020

1. Dr. Raj Kumar Mishra, Son of Late Shiva Chandra Mishra Resident of Village- Darhar, P.O.- Laheriasarai, P.S.- Bahadurpur, District- Darbhanga.
2. Dr. Narendra Narayan Choudhary Son of Late Bodh Narayan Choudhary Resident of Village and P.O.- Srirampur, P.S.- Ashok Paper Mill, District- Darbhanga.
3. Dr. Kaushalesh Kumar Thakur Son of Late Ramkaran Thakur Resident of Mohalla- Poshanpura, P.O.- Kabirchak, P.S.- Darbhanga Sadar, District- Darbhanga, Presently posted as Associate Professor of English, M.L.S.M. College, Darbhanga.
4. Dr. Ambarsih Kumar Jha Son of Late Kamla Kant Jha Resident of Ward No.46, Kabilpur, P.O.- Laheriasarai, P.S.- Bahadurpur, District- Darbhanga, at present posted as Associate Professor of Economics, M.L.S.M. College, Darbhanga.
5. Dr. Usha Choudhary Wife of Rab Indra Nath Jha Resident of Mohalla- Kathalbari, Ward No.12, P.O.- Lalbagh, P.S.- L.N.M.U. Campus, District- Darbhanga, at present posted as Associate Professor, Department of Maithili, M.L.S.M. College, Darbhanga.
6. Dr. Bibha Jha Wife of Dr. Ashok Kumar Jha Resident of Mohalla- Shubhankarpur, near Koyla Asthan Mandir Ward No.9, Town, P.S. and District- Darbhanga, presently posted as Associate Professor, Department of Political Science, M.L.S.M. College, Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. Lalit Narayan Mithila University through its Registrar, Kameshwarnagar, Darbhanga.
3. Vice-Chancellor, Lalit Narayan Mithila University, Kameshwarnagar, Darbhanga.
4. Registrar, Lalit Narayan Mithila University, Kameshwarnagar, Darbhanga.
5. Finance Officer, Lalit Narayan Mithila University, Kameshwarnagar, Darbhanga.
6. Principal, M.L.S.M. College, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Gyanand Roy, Advocate.
For the State	:	Mr.Jitendra Kr. Roy 1, SC-13. Mr. Hitesh Suman, AC to SC-13.
For the University	:	Mr. Md. Nadim Seraj, Advocate.



Ms. Binita Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

14 22-04-2025 Heard Mr. Gyanand Roy, learned counsel appearing on behalf of the petitioners; Mr. Jitendra Kumar Roy No.1, learned SC-13 along with Mr. Hitesh Suman, learned AC to SC-13 for the State and Mr. Md. Nadim Seraj, learned counsel along with Ms. Binita Singh, learned counsel for the University.

2. Mr. Md. Nadim Seraj, learned counsel appearing on behalf of the University informs that a supplementary affidavit has been filed on behalf of respondent nos. 2 to 6 – the authorities of the University, giving information in compliance of the order dated 23.09.2024, wherein in Para-4, it has been informed that the University has made payment on account of D.A. and H.R.A. for the period 01.01.2006 to 31.03.2010 to 17 employees in compliance of the order passed by the Hon'ble Court in different cases as per the records made available by the concerned section vide letter No. LC-513/2023 dated 19.10.2023 which was issued in connection with a case bearing MJC No. 1834/17 (Shanti Kumari Sinha Vs. The State of Bihar & Ors.), however with rider that the above payments were made prior to the issuance of the letter of the State Government bearing No. 1590 dated 20.10.2022. Learned counsel further



informs that in view of letter dated 20.10.2022, the University is constrained to make payment of D.A. and H.R.A. to the petitioners.

3. Mr. Gyanand Roy, learned counsel appearing on behalf of the petitioners submitted that in view of the admitted position and information contained in Para-4 of the supplementary counter affidavit filed on behalf of the respondent nos. 2 to 5, the petitioners will be discriminated in case similar order is not passed in favour of the petitioners. Petitioners are required to be treated equally and in so far as payment on account of DA and HRA from 01.01.2006 to 31.03.2010 is concerned, it has been paid to 17 employees in compliance of the order of this Court.

4. Having heard the rival submissions made on behalf of the parties, as well as, the pleadings made in the writ petition, counter affidavit and supplementary counter affidavit, I find that the petitioners have made out a case to be treated on equal terms for grant of DA and HRA for the period from 01.01.2006 to 31.03.2010 in view of the admitted case of the University that in respect of 17 employees, the same benefit has been granted, but the said payment to the petitioners will be subject to the final outcome of Civil Review No. 167 of 2023 pending before this



Court.

5. The writ petition stands disposed of.

(Purnendu Singh, J)

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