

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1931 of 2026

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Sunil Kumar Jha Son of Shri Raj Krishna Jha, Resident of village- Satghara,
P.S. - Babu Barhi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. B.N. Mandal University, Laloo Nagar, Madhepura through its Registrar.
3. Vice Cahnccellor, B.N. Mandal University, Laloo Nagar, Madhepura.
4. Registrar, B.N. Mandal University, Laloo Nagar, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binodanand Mishra, Sr. Advocate Mr. Sandeep Kumar, Advocate
For the Respondent/s	:	Mrs. Babita Kumari, AC to SC-1 Mr. Md. Nadim Seraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 05-02-2026 Heard learned counsel for the petitioner and

learned counsel for the respondents.

2. The instant writ application has been filed for the
following reliefs:-

(i) For issuance of an order, direction, writ including writ in the nature of mandamus commanding the respondents to make payment of arrears salary starting from February 2011 till date to the post of Laboratory Incharge (Physics) in the Parwati Science College, Madhepura, a constituent unit of B.N. Mandal University, Madhepura.

(ii). For issuance of an order, direction or writ including writ in the nature of mandamus commanding the respondents to make payment of current salary month- to-month to the petitioner regularly along with other teaching and non-



teaching employees.

(iii) For issuance of an order, direction or writ including writ in the nature of mandamus commanding the respondents to make payment of interest 18% per annum on the unpaid arrears of salary as the delay is squarely attributable to the respondents.

(iv) For issuance of an appropriate declaration holding that petitioner is entitled for payment of arrears of salary from February 2011 to till date and current salary month-to-month of the post of Laboratory Incharge (Physics) in Parwati Science College, Madhepura.

(v) For issuance of an appropriate declaration holding that respondents are obliged to make payment of arrears and the current salary to the petitioner as the nonpayment would be violation of the Right to Livelihood which is an integral part of Right to Life guaranteed under Article 21 of the Constitution of India.

(vi) For issuance of an appropriate declaration holding that non-payment of arrears as well as current salary would also violate Article 14 of the Constitution of India in view of the fact that petitioner is continuously discharging his duties but not paid salary, however, the salary is paid to the similarly situated other non-teaching employees.

(vii) For any other reliefs) to which the Petitioner may be found entitled in the facts and circumstances of the present case.

3. Learned Senior Counsel for the petitioner submits that pursuant to the order passed by the Hon'ble Division Bench in LPA No. 404 of 2019, the dispute relating to absorption of the petitioner was required to be resolved. In



compliance thereof, the University conducted an enquiry and determined the entitlement of the petitioner, whereupon the petitioner was absorbed with effect from 01.02.2011. Reference is made to the absorption order issued under the orders of the Vice-Chancellor, B.N. Mandal University, as contained in Memo No. 620 of 2023 dated 02.06.2023, wherein it has been stipulated that the applicable pay scale as allowed by the State Government shall be admissible to the petitioner and salary shall be paid on receipt of funds from the State Government.

4. It is further submitted that the Pay Verification Cell of the Education Department has also fixed the pay scale; however, salary has not been paid from the date of absorption despite representations having been made by the petitioner, appended as Annexure-P/18 before the Registrar, B.N. Mandal University, Madhepura, and Annexure-P/19 before the Director, Higher Education Department.

5. On the other hand, learned counsel for the University submits that since absorption has already been effected and the Pay Verification Cell has fixed the pay scale, there is no reason to deny payment of salary, subject to receipt of funds from the State Government. It is further submitted that since representations have already been made by the petitioner,



the same may be directed to be decided by the Registrar in accordance with the absorption order appended with the writ application as Annexure- P/12.

6. Learned counsel appearing for the State submits that since the University has already taken a decision in compliance with the order passed by the Hon'ble Division Bench as well as in the contempt proceedings initiated by the petitioner, which has the sanction of the State Government, and in case any requisition for payment of salary is placed by the University, the same shall be considered and addressed in accordance with law, accordingly, it is submitted that the writ application may be disposed of.

7. Considering the submissions advanced on behalf of the parties, this Court finds it appropriate to direct the petitioner to file a detailed representation before the Registrar, B.N. Mandal University, Madhepura, within a period of four weeks from today, appending all relevant supporting documents along with a copy of this order. Upon receipt of such representation, the Registrar shall adjudicate the issues in terms of the decision taken by the University as contained in Annexure-P/12 and pass necessary orders with respect to payment of salary.

8. Needless to state that if requisite funds are



required for payment of salary, the University shall make an appropriate requisition to the State Government, and the authorities of the State shall take necessary steps for release of funds for redressal of the grievance of the petitioner.

9. With the aforesaid observations and directions, the instant writ application stands disposed of.

(Ajit Kumar, J)

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