

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7250 of 2025

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1. Chandra Kishor Gupta son of Bhim Prasad Gupta, resident of Near Sader Hospital, Ward No. 13, Main Road, P.O. and P.S. and District- Madhepura, 52113
 2. Rajesh Kumar, S/o- Krishna Kumar, resident of B.N. Mandal University, Ward No. 01, P.O. and P.S. and District Madhepura, 852113.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Bihar, Patna.
3. The Commissioner cum Secretary, Human Resource Development, Higher Education, Government of Bihar, Patna.
4. The Director, Higher Education, Bihar, Patna.
5. The Deputy Secretary, Education Department, Bihar, Patna.
6. The B. N. Mandal University, Madhepura, through its Registrar.
7. The Vice Chancellor, B. N. Mandal University, Madhepura.
8. The Registrar, B. N. Mandal University, Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Y.V. Giri, Sr. Adv. Mr.Ranjan Kumar Srivastava, Adv. Mr.Shashwat Srivastava, Adv.
For the State	:	Mr. Standing Counsel (23) Mr.Sudhir Kumar Singh, AC to SC-23
For BNMU	:	Mr.Md.Nadim Seraj, Adv. Mr.Shahbaj Alam, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
CAV JUDGMENT

Date : 05-05-2026

Heard the parties.

2. The petitioner in the present writ application has
prayed for following reliefs:

*“A. For the issuance of an appropriate
writ or writs, order, or orders, in the nature of
Certiorari, to quash the office order contained in*



Memo No. 14/MU/13-266/2021-175 dated 13.02.2025, relating to the petitioners issued by Respondent No. 5. i.e., The Deputy Secretary, Education Department, Bihar, Patna, whereby approval for the appointment of the Petitioners to the post of Upper Divisional Clerk (U.D.C.) at B. N. Mandal University, Madhepura, has been withheld on the grounds that direct appointments to the post through promotion are not valid.

B. For issuance of an appropriate writ in the nature of mandamus for commanding/directing the respondents to grant approval of the appointment/service of the petitioners w.e.f. 22.06.1992, 14.01.1995.

C. For issuance of an appropriate writ/writs/order/orders, in the nature of Mandamus, for granting notional benefit to the petitioners who rendered their services with full devotion and dedication in the university and were initially appointed as daily wagers (typist/assistant) and rendered their services from 22.06.1992, 14.01.1995 respectively till now, and presently, they are working as a U.D.C. (Upper Divisional Clerk) in B. N. Mandal University, Madhepura (hereinafter referred to as "the University") in view of their regular appointment.

D. For issuance of an appropriate writ/writs/order/orders, in the nature of Mandamus, for granting the current salary along with the arrear of the salary to the petitioners, which is due since June 2023.

E. For the issuance of an appropriate writ or writs, order or orders, in the nature of Mandamus, directing the concerned respondent authorities to take necessary actions for the payment of interest on the arrears of salary that may be deemed admissible in favor of the Petitioners, due to the unlawful and arbitrary non-payment of their salaries in accordance with their



entitlements since June 2023.”

3. Learned counsel for the petitioners submits that the present writ application has been filed challenging the legality and validity of the impugned order dated 13.02.2025 (Annexure–P/32), whereby the respondent authorities have declined to approve the appointment of the petitioners to the post of Upper Division Clerk (UDC) and have withheld their salary. It is contended that the impugned action is arbitrary, unreasonable, and violative of Articles 14, 16 and 21 of the Constitution of India, apart from being contrary to the principles of natural justice and the consistent stand earlier taken by the respondents themselves.

4. Learned counsel further submits that B.N. Mandal University, Madhepura (hereinafter referred to as “the University”) was established on 10.01.1992 under the provisions of the Bihar State Universities (Amendment) Act, 1992, upon bifurcation from L.N. Mithila University, Darbhanga, and was vested with territorial jurisdiction over several districts including Madhepura, Saharsa, Purnea, Katihar, Kishanganj, Araria and Supaul. It is submitted that at the time of establishment, adequate posts were not created by the State Government, resulting in engagement of a large number of



employees on daily wage or ad hoc basis for ensuring smooth functioning of the University.

5. It is the case of the petitioners that they were initially appointed as daily wagers (typist/assistant) in the University, Petitioner No. 1 vide Letter No. 2924 dated 29.06.1992 and Petitioner No. 2 vide Letter No. 336/95 dated 23.01.1995 (Annexure–P/1 series), and since then they have continuously discharged their duties without any adverse remarks. Learned counsel submits that the University made efforts for regularization of such employees and forwarded a proposal to the State Government vide letter dated 04.07.2004 (Annexure–P/2 series), followed by further correspondence including letter dated 14.09.2006 (Annexure–P/3), but no decision was taken by the State.

It is further submitted that in pursuance of proceedings before this Hon'ble Court in CWJC No. 17329/2012, the State Government issued letter dated 02.12.2014 (Annexure–P/6), creating 68 posts of officers and non-teaching staff for the University. The said decision was in consonance with Notification dated 04.03.2014 (Annexure–P/4), which provides that where sufficient eligible candidates are not available for promotion, such posts may be transferred



to direct recruitment quota. Learned counsel submits that thereafter, Advertisement No. BNMU 03/2015 dated 16.06.2015 (Annexure-P/9) was issued for filling up the sanctioned posts.

6. It is submitted by the learned counsel for the petitioners that certain disputes arose leading to filing of CWJC No. 14196/2015, wherein this Hon'ble Court, by order dated 01.12.2016 (Annexure-P/14), directed the authorities to complete the deliberation and take necessary decisions within the time-frame indicated in the said order dated 01/12/2016 concerning the matter of completion of the process of selection for the appointment of persons, *inter alia*, against Class-III/IV posts under the University. In compliance thereof, the petitioners participated in the selection process and were ultimately appointed as UDC vide notification dated 17.11.2017 (Annexure-P/17), followed by a corrigendum dated 29.11.2017 (Annexure-P/18). The petitioners joined their duties on 18.11.2017 and continued to work diligently.

7. Learned counsel further submits that thereafter the State Government, upon due consideration, granted approval to the appointment of 44 non-teaching employees including the petitioners vide letter dated 15.11.2019 (Annexure-P/23), and



their pay was also fixed under the 7th Pay Revision vide resolution dated 06.03.2019 (Annexure–P/22). It is contended that the petitioners were regularly paid salary till May 2023 and their appointments were never questioned during this period.

It is further submitted that the respondent authorities, all of a sudden, withdrew the earlier approval vide letter dated 12.04.2021 (Annexure–P/26) and subsequently directed stoppage of salary vide notification dated 17.06.2021 (Annexure–P/29), without affording any opportunity of hearing to the petitioners. Aggrieved thereby, the petitioners approached this Hon'ble Court in CWJC No. 12758/2021, which was allowed vide order dated 20.10.2022 (Annexure–P/30), directing the respondents to release salary within 10 days from the receipt of the said order.

8. Learned counsel submits that despite the aforesaid judicial directions, the respondent authorities of State Government and University convened a meeting on 25.10.2024 and in the minutes of the said meeting, it was observed that seven persons including the two petitioners were not validly appointed on the post of UDC because the post of UDC was a promotional post. However, in the same meeting, the respondent-State Government also made the following



observations:

“निर्णय हुआ कि इस कार्यवाही के आलोक में विश्वविद्यालय उपरोक्त 44 कर्मियों की श्रेणी/कैटेगरी /अर्हता के बारे में पुनः आश्वस्त हो तदनुसार विश्वविद्यालय अधिनियम की धारा-10(6) के आलोक में नियुक्ति के अनुमोदन (विश्वविद्यालय अधिनियम की धारा, 35 (2) हेतु राज्य सरकार से अनुरोध कर सकता है।”

From the above observation made by the State Government, it was conveyed that the University upon once again being satisfied could make a renewed request for approval to the State Government for appointment of the petitioners on the post of UDC. This minutes of the meeting held on 25.10.2024 was communicated vide Memo dated 29.11.2024 (Annexure-P/31). From the perusal of the impugned order dated 13.02.2025 (Annexure-P/32), it transpires that in terms of the aforesaid observation contained in Memo dated 19.11.2024 (Annexure-P/31), a renewed request for approval was made to the State Government by the University vide letter no. 003/25, dated 13.01.2025. But the same was rejected vide impugned order dated 13.02.2025 (Annexure-P/32) reiterating the same ground that direct appointment to the post of UDC through promotion was/is not valid.

It is vehemently argued that such a stand is wholly untenable, inasmuch as at no stage—neither at the time of



advertisement in 2015, nor at the time of appointment in 2017, nor even at the time of approval in 2019—did the respondents raise any objection regarding the nature of the post. It is further submitted that the petitioners were appointed against duly sanctioned vacant posts following a lawful selection process conducted under the supervision of this Hon'ble Court, and in absence of eligible candidates for promotion, the conversion of posts to direct recruitment quota was permissible under Notification dated 04.03.2014 (Annexure–P/4).

9. Learned counsel also submits that the impugned action is in violation of the orders passed by this Hon'ble Court in earlier proceedings including CWJC No. 14196/2015 and MJC No. 943/2017, as well as contrary to the undertakings furnished by the respondents therein. It is further contended that issuing memo no. 175 dated 13.02.2025 is highly arbitrary, unreasonable, thereby violating the principles of natural justice.

It is lastly submitted that the petitioners have rendered long and continuous service since 1992 and 1995 respectively, and their case is covered by the law laid down by the Hon'ble Supreme Court in **Jaggo vs. Union of India (SLP (C) No. 5580/2024)**, wherein it has been held that employees who have rendered long years of service in essential functions



should not be penalized. It is contended that the petitioners are suffering grave prejudice due to stoppage of salary since June 2023 and non-consideration of their representations (Annexure–P/33 series), and as such, the impugned order is liable to be set aside.

10. Learned counsel appearing on behalf of respondent nos. 6 to 8 (University) submits that the claims made by the petitioners are misconceived and are liable to be rejected in view of the factual and legal position governing the matter. It is submitted that the prayer of the petitioners seeking payment of interest on alleged arrears of salary is wholly untenable inasmuch as the very entitlement of the petitioners to hold the post of Upper Division Clerk (UDC) is under serious dispute and has not been approved by the competent authority of the State Government.

11. Learned counsel further submits that the petitioners were appointed pursuant to directions issued by this Hon'ble Court in CWJC No. 14196 of 2015 and MJC No. 943 of 2017. It is submitted that the State Government had earlier sanctioned 68 posts of officers and non-teaching employees vide Memo No. 1592 dated 02.12.2014, following which the University issued an advertisement dated 16.06.2015 inviting



applications for appointment. However, this Hon'ble Court, by order dated 19.09.2016 passed in CWJC No. 14196 of 2015, stayed the said advertisement and directed the University as well as the Education Department to deliberate upon the issue and take a final decision, particularly keeping in view those employees who had rendered long years of service to the University.

It is submitted that pursuant to the aforesaid directions, the Department of Education, Government of Bihar, vide letter dated 16.08.2017 (Annexure-A), laid down the modalities for selection, including grant of weightage to candidates who had earlier served the University on daily wage basis. In terms thereof, 30 marks were awarded as weightage to such candidates, including the petitioners, in recognition of their past service.

12. Learned counsel for the respondents submits that the appointments in question were fresh appointments made pursuant to the aforesaid process and directions of this Hon'ble Court, and therefore, the petitioners cannot claim absorption or regularisation from the date of their initial engagement as casual or daily wage workers. It is contended that at the time of their initial engagement, the petitioners were working against



unsanctioned posts, and only after sanction of posts by the State Government on 02.12.2014 did the question of regular appointment arise. Thus, the claim of the petitioners for notional benefits from their initial date of engagement is wholly unsustainable in law.

It is further submitted that the reliance placed by the petitioners on the law laid down by the Hon'ble Supreme Court in **Uma Devi vs. State of Karnataka** is misplaced, inasmuch as the petitioners were admittedly engaged as casual workers against unsanctioned posts and their case does not fall within the exceptions carved out therein. On the contrary, it is submitted that the State Government has acted strictly in accordance with the constitutional scheme governing public employment.

13. Learned counsel next submits that the core issue pertains to the nature of the post of UDC. It is contended that as per the applicable statutory provisions, including Sankalp No. 8826 dated 20.12.2000 and Notification dated 04.03.2014 (Annexure-B), the post of Upper Division Clerk is a promotional post and is required to be filled through promotion and not by way of direct recruitment. It is submitted that the direct appointment of the petitioners to the said post is in clear



contravention of the aforesaid provisions, rendering their appointment illegal. In view thereof, the Education Department rightly withdrew its earlier approval vide letter dated 12.04.2021 (Annexure–B).

14. It is further submitted that a meeting was convened on 25.10.2024 by the Education Department with the Vice-Chancellor and other officials of the University, wherein several objections were raised regarding the appointments made by the University. So far as the present petitioners are concerned, it was specifically observed that direct appointment to a promotional post is impermissible and, therefore, such appointments cannot be approved. It is submitted that the proceedings of the said meeting have already been brought on record by the petitioners as Annexure–P/31. Learned counsel also submits that a subsequent meeting dated 10.01.2025 was held with respect to certain other appointments, and appropriate decisions were taken in continuation of earlier deliberations (Annexure–C).

15. With regard to the claim of salary and arrears, learned counsel submits that the same cannot be granted as a matter of right in the absence of valid approval of appointment by the State Government. It is further submitted that the



petitioners had remained on strike for approximately 45 days, i.e., from 18.10.2023 to 30.11.2023, during which period they neither discharged their duties nor allowed normal functioning of the University, thereby paralysing its operations. In such circumstances, the claim for salary for the said period, as well as arrears, is not tenable. However, it is submitted that any such claim may be examined in accordance with law only after the issue of approval of their appointment is duly resolved by the State Government.

16. Learned counsel finally submits that the petitioners themselves have furnished an undertaking on affidavit to the effect that they shall neither claim salary nor raise any further claim until the pending contempt proceedings, namely MJC No. 1834 of 2025, MJC No. 1627 of 2023, MJC No. 378 of 2023 and MJC No. 295 of 2023, are decided by this Hon'ble Court. In view of such undertaking, it is contended that the present writ petition is premature and the reliefs sought for are not maintainable at this stage.

17. Learned counsel appearing on behalf of respondent nos. 2 to 5 (State) by way of counter affidavit submits that the present writ application is misconceived and devoid of merit, and the same has been filed without



appreciating the factual and legal position governing the appointments in question It is submitted that the approval earlier granted in favour of 44 non-teaching employees, including the present petitioners, had already been withdrawn by the Department vide letter dated 12.04.2021 (Annexure–P/26), and the said decision continues to hold the field. Learned counsel submits that although the said withdrawal was subjected to challenge in a batch of writ petitions, including the leading case of CWJC No. 12758 of 2021, this Hon’ble Court, by order dated 20.10.2022, did not interfere with the withdrawal of approval and merely directed that salary be paid to those who were actually discharging their duties. It is thus submitted that the foundational issue regarding the validity of appointment remains unaffected and unresolved in favour of the petitioners.

18. Learned counsel further submits that the present controversy is no longer *res integra*, inasmuch as a similarly situated person, namely **Rajeshwar Roy**, had approached this Hon’ble Court in CWJC No. 2434 of 2025 challenging the departmental decision. This Hon’ble Court, by order dated 13.02.2025 (Annexure–A), directed the Vice-Chancellor to examine the matter and submit a report. In compliance thereof, the University, after due consideration, submitted a report dated



16.06.2025 (Annexure–B) concluding that the claim of the said petitioner was devoid of substance, and the same was subsequently rejected by the Department vide memo no. 215 dated 24.09.2025 (Annexure–C). It is submitted that the case of the present petitioners stands on identical footing and is liable to be governed by the same reasoning.

19. Learned counsel submits that the matter has a long and chequered history, and a proper appreciation thereof is essential. It is submitted that after the bifurcation of B.N. Mandal University from L.N. Mithila University in the year 1992, there was no immediate creation of adequate posts at the University headquarters. Though certain posts existed in constituent colleges and postgraduate departments, as reflected in Government communications issued from time to time, the State Government had, at various stages, imposed restrictions on fresh appointments, including vide memo dated 04.03.2011. It was only pursuant to judicial directions in CWJC No. 17329 of 2012 that 68 posts of non-teaching employees were sanctioned by the State Government vide order dated 02.12.2014.

It is further submitted that although the University issued Advertisement No. BNMU-03/2015 dated 16.06.2015



pursuant to such sanction, the same was stayed by this Hon'ble Court in CWJC No. 14196 of 2015, with a direction to the State and the University to evolve a mechanism for dealing with long-serving employees. In compliance thereof, detailed guidelines were issued vide memo dated 29.11.2016, requiring adherence to qualification, roster, weightage and age relaxation while making appointments. The subsequent selection process was thus required to be strictly in conformity with the said directions.

20. Learned counsel, however, submits that serious irregularities were committed by the University in the process of appointment. It is contended that instead of confining itself to the advertisement issued in 2015 for sanctioned posts, the University improperly relied upon an earlier advertisement of 2009, which related to different establishments, namely constituent colleges and postgraduate departments. This resulted in a flawed and composite selection process wherein candidates from distinct advertisements were considered together, thereby vitiating the entire exercise.

It is further submitted that the University failed to adhere to the mandatory requirement of preparing and applying the reservation roster in accordance with law. Learned counsel



submits that in respect of posts such as UDC and LDC, the distribution of vacancies as per the model roster was not followed, and several candidates were selected in deviation of the prescribed category-wise allocation. This resulted in denial of rightful representation to reserved categories and rendered the selection process arbitrary and illegal.

21. Learned counsel also submits that in certain cases, appointments were made contrary to express prohibitions contained in earlier Government communications, including the stipulation that no fresh appointments be made on Class-IV posts in certain establishments. Despite such restrictions, the University proceeded to make appointments, further compounding the illegality. It is submitted that upon receipt of complaints regarding the irregularities in the selection process, the State Government constituted an inquiry committee, which found lapses in adherence to roster rules and other procedural requirements. Based on such findings and subsequent correspondence with the University, the Department took a considered decision to withdraw the earlier approval granted in 2019.

22. Learned counsel submits that thereafter, the Department made efforts to segregate valid and invalid



appointments and took a policy decision that only those appointments which were made strictly in accordance with law would be considered for approval. It is in this context that the issue relating to the post of UDC assumes significance. It is submitted that as per the governing statutes, including the provisions notified under memo dated 04.03.2014, the post of UDC is a promotional post, and direct recruitment thereto is impermissible. Since the present petitioners were directly appointed to the said post, their appointments were found to be contrary to the statutory scheme and hence not eligible for approval.

Learned counsel submits that the aforesaid position was reiterated in the meeting held on 25.10.2024, the proceedings whereof have already been brought on record. It was observed that candidates directly appointed to promotional posts, including the petitioners, could not be granted approval. In furtherance thereof, upon receipt of renewed proposal for grant of approval from the University, the Department passed the impugned order dated 13.02.2025 rejecting the appointment of such candidates while approving those found to be in accordance with law.

23. It is further submitted that although directions



were issued by the Department to consider payment of salary for the period during which the petitioners had actually worked, such payment was made subject to verification of work and availability of funds, and cannot be construed as conferring any legal right to hold the post or to claim retrospective approval.

In the aforesaid facts and circumstances, learned counsel for respondent nos. 2 to 5 (State) submits that the impugned order is a reasoned and lawful decision taken after due consideration of all relevant factors, including statutory provisions, judicial directions, and factual irregularities in the selection process. It is thus submitted that the writ petition, being devoid of merit, is liable to be dismissed.

24. Learned counsel for the petitioners, in rejoinder to the counter affidavits filed on behalf of Respondent Nos. 2 to 5 (State) as well as Respondent Nos. 6 to 8 (University), submits that the respondents have attempted to introduce facts which are either misleading or incomplete, while omitting material aspects already on record. It is submitted in paragraph 4 of the rejoinder to the counter affidavit of Respondent Nos. 6 to 8, that both the State and the University had earlier given a clear undertaking before this Hon'ble Court in CWJC No. 14196 of 2015 and MJC No. 943 of 2017 that long-serving daily wage employees



would be accommodated by granting due weightage, pursuant to which the petitioners were duly appointed in 2017 after following a structured selection process. It is contended that the present stand of the respondents, seeking to invalidate such appointments on the ground that the post of U.D.C. is promotional in nature, is a clear departure from their earlier binding submissions and is therefore impermissible and unsustainable in law.

25. It is further submitted by the petitioners in paragraph 5 of the rejoinder to counter affidavit by Respondent Nos. 2 to 5 (State), that the reliance placed by the respondents on the case of **Rajeshwar Roy** is misconceived, inasmuch as the petitioners herein have specifically challenged the subsequent impugned order dated 13.02.2025, which independently affects their rights. Learned counsel emphasizes, with reference to paragraph 4 of the rejoinder to Respondent Nos. 2 to 5, that the earlier judgment dated 20.10.2022 has attained finality and could not have been circumvented by administrative action in the form of subsequent reports and orders, which are alleged to be contrary to judicial determination binding *inter se* between parties. It is also submitted, with reference to paragraphs 20 and 21 of the



rejoinder to Respondent Nos. 2 to 5, that the respondents' plea regarding the promotional nature of the post is factually and legally untenable, particularly in the absence of any functional feeder cadre at the relevant time, and therefore the appointments made through direct selection cannot be faulted. Additionally, learned counsel for the petitioners points out, on the basis of paragraph 6 of the rejoinder to the counter affidavit of Respondent Nos. 6 to 8, that the allegation regarding strike or non-performance of duties is incorrect and unsupported by record, and hence cannot be used to deny salary or other service benefits.

26. It has further been submitted on behalf of Respondent Nos. 2 to 5, by way of a supplementary counter affidavit filed in compliance of the order dated 17.03.2026, that although a statement was recorded before this Court with regard to payment of current salary and arrears but the said statement made was without the consent of the department and therefore, the answering respondents have reiterated their stand on merits as taken in the earlier counter affidavit. It is contended that the decision contained in Memo No. 494 dated 12.04.2021 continues to hold the field, having not been interfered with in earlier proceedings, and forms the basis of subsequent actions



including the impugned order dated 13.02.2025.

It is further submitted that the case of the present petitioners stands on similar footing to that of one Rajeshwar Roy, whose claim has already been examined pursuant to judicial directions and ultimately rejected by the competent authority vide order dated 24.09.2025, and therefore the petitioners are not entitled to any different treatment.

27. It has also been urged that the entitlement to salary and consequential benefits is dependent upon a valid and duly approved appointment, and in absence thereof, no financial liability can be fastened upon the State. In this regard, reliance has been placed upon the judgment rendered in CWJC No. 19337 of 2016 and its affirmation in LPA No. 368 of 2018. Lastly, it has been contended that the concession recorded on behalf of the State during the course of hearing was not based on approval of the competent authority and, therefore, the same cannot be treated as binding upon the department. On these additional grounds, it has been prayed that the writ application is liable to be dismissed.

28. Having regard to the rival pleadings, the sequence of administrative and judicial orders brought on record, and the core controversy arising from the impugned action, the



following substantial issues arise for consideration in the present case:

ISSUES FOR CONSIDERATION

(i) Whether the impugned order contained in Memo No. 14/MU/13-266/2021-175 dated 13.02.2025 (Annexure-P/32), whereby approval of the petitioners' appointment to the post of Upper Division Clerk has been withheld on the ground that the said post is promotional in nature, is legally sustainable, particularly in the backdrop of the selection process undertaken pursuant to the directions of this Hon'ble Court and the policy decision reflected in Memo No. 1403 dated 29.11.2016 (Annexure-H)?

(ii) Whether the respondents, having participated in and acted upon the process culminating in the appointment of the petitioners in 2017 pursuant to the orders passed in CWJC No. 14196 of 2015 and MJC No. 943 of 2017 (Annexure-P/15 and Annexure-P/17), are precluded in law from subsequently denying approval to such appointments, in light of the doctrines of promissory estoppel, legitimate expectation, and approbation and reprobation?

(iii) Whether the reliance placed by the respondents on Memo No. 494 dated 12.04.2021 (Annexure-P/26), the



subsequent observations contained in Memo No. 1689 dated 29.11.2024 (Annexure-P/31), and the impugned order contained in Memo dated 13.02.2025 (Annexure-P/32), can be sustained in law, particularly when the earlier judgment dated 20.10.2022 passed in CWJC No. 12758 of 2021 (Annexure-P/30) although having taken notice of the order contained in Memo No. 494 dated 12.04.2021 regarding withdrawal of approval, still passed order for payment of arrears of salary?

(iv) Whether the case of the present petitioners can, in law and on facts, be treated as identical to that of Rajeshwar Roy, whose claim was rejected pursuant to order dated 24.09.2025 (Annexure-C), despite the petitioners having independently challenged the impugned Memo dated 13.02.2025 (Annexure-P/32) and asserted distinct factual and legal grounds?

(v) Whether, irrespective of the dispute regarding approval of appointment, the petitioners, having admittedly discharged duties, are entitled to payment of current salary and arrears of salary from June 2023 onwards?

(vi) Whether, in the facts and circumstances of the present case, the petitioners are entitled to grant of approval of their appointment with retrospective effect from their initial



dates of engagement, i.e., 22.06.1992 and 14.01.1995 respectively, along with consequential notional service benefits including seniority, pay fixation, and pensionary advantages, notwithstanding the fact that their formal appointment to the post of Upper Division Clerk was made in the year 2017 pursuant to the directions of this Court?

FINDINGS:

Issue (i): Whether the impugned order contained in Memo No. 14/MU/13-266/2021-175 dated 13.02.2025 (Annexure-P/32), whereby approval of the petitioners' appointment to the post of Upper Division Clerk has been withheld on the ground that the said post is promotional in nature, is legally sustainable, particularly in the backdrop of the selection process undertaken pursuant to the directions of this Hon'ble Court and the policy decision reflected in Memo No. 1403 dated 29.11.2016 (Annexure-H)?

Finding on Issue No. (i)

At the outset, this Court finds that the impugned order contained in Memo No. 14/MU/13-266/2021-175 dated 13.02.2025 (Annexure-P/32), whereby approval of the petitioners' appointment to the post of Upper Division Clerk



(U.D.C.) has been withheld on the sole ground that the said post is promotional in nature, cannot be sustained in law in the facts of the present case.

From the materials available on record, it is evident that the entire process culminating in the appointment of the petitioners in the year 2017 was not an independent or unilateral exercise undertaken by the University, but was carried out strictly in compliance with the directions issued by this Court in CWJC No. 14196 of 2015 and the subsequent proceedings in MJC No. 943 of 2017 (Annexure-P/15). The said directions led to a consultative process between the State Government and the University, which ultimately crystallized in the policy decision contained in Memo No. 1403 dated 29.11.2016 (Annexure-H). The said policy expressly contemplated that employees who had rendered long years of service would be given due consideration through a structured selection process by granting weightage for their past service, relaxation in age, and adherence to prescribed qualifications and roster.

Pursuant thereto, the State Government itself, vide letter dated 16.08.2017 (Annexure-K), laid down the criteria for selection, allocating 30 marks towards work experience, thereby recognizing and institutionalizing the claim of such



long-serving employees. The petitioners participated in such process and were appointed vide notification dated 17.11.2017 (Annexure-P/17), and their appointments were not shown to be dehors the procedure so prescribed. Thus, the appointments in question were the culmination of a court-monitored and State-guided process, and cannot now be treated as irregular or impermissible merely by retrospectively recharacterizing the nature of the post.

The stand of the respondents that the post of U.D.C. is a promotional post, as sought to be justified with reference to the Statute dated 04.03.2014, is found to be misplaced in the peculiar facts of the present case. Firstly, the very policy decision contained in Memo No. 1403 dated 29.11.2016 (Annexure-H), which was framed in compliance with judicial directions, did not prohibit consideration of such employees against Class-III posts, but rather directed the authorities to undertake a comprehensive exercise keeping in view experience, eligibility and equitable considerations. Secondly, it has been specifically asserted, and not effectively controverted, that at the relevant point of time there was no functional feeder cadre available in the University from which promotion to the post of U.D.C. could be effected. In such a situation, the rigid



application of the “promotional post” doctrine would defeat the very purpose of the exercise undertaken pursuant to judicial intervention.

Further, the record reveals that the State itself had sanctioned 68 posts of non-teaching employees vide Memo No. 1592 dated 02.12.2014 (Annexure-A), and thereafter permitted the University to proceed with appointments in terms of the directions of this Court. Having thus actively participated in the creation of posts, formulation of selection criteria, and completion of the selection process, the respondents cannot now be permitted to turn around and invalidate the outcome of such process on a ground which was neither raised at the relevant time nor acted upon during the course of selection.

The impugned action also suffers from the vice of arbitrariness, inasmuch, as it seeks to unsettle appointments made nearly eight years prior, without demonstrating any fraud, misrepresentation, or fundamental illegality in the selection process. The subsequent reliance upon Memo No. 494 dated 12.04.2021 (Annexure-P/26) and the decisions flowing therefrom does not cure this defect, as the said memo itself was subject matter of challenge and was not affirmed on merits by this Court in the earlier round of litigation thereby resulting in



the Court directing for payment of salary to the petitioners of that case (Annexure-P/30).

In view of the aforesaid, this Court is of the considered opinion that the respondents' reliance upon the promotional nature of the post to deny approval to the petitioners' appointments is legally untenable in the peculiar factual matrix of this case. The appointments having been made pursuant to a process evolved under the aegis of this Court and with the participation of the State, the impugned order dated 13.02.2025 (Annexure-P/32) cannot be sustained and is liable to be set aside.

Issue (ii): Whether the respondents, having participated in and acted upon the process culminating in the appointment of the petitioners in 2017 pursuant to the orders passed in CWJC No. 14196 of 2015 and MJC No. 943 of 2017 (Annexure-P/15 and Annexure-P/17), are precluded in law from subsequently denying approval to such appointments, in light of the doctrines of promissory estoppel, legitimate expectation, and approbation and reprobation?

Finding on Issue no. (ii)

Upon consideration of the rival submissions and the



materials on record, this Court is of the considered view that the respondents, having actively participated in and acted upon the process culminating in the appointment of the petitioners in the year 2017, are precluded in law from subsequently denying approval to such appointments.

It is not in dispute that the process of appointment was initiated and completed pursuant to the directions issued by this Hon'ble Court in CWJC No. 14196 of 2015 and further monitored in MJC No. 943 of 2017 (Annexure-P/15). In compliance thereof, the State Government and the University jointly deliberated upon the issue and formulated a mechanism, as reflected in Memo No. 1403 dated 29.11.2016 (Annexure-H), wherein it was, inter alia, resolved that long-serving employees would be considered for appointment by granting weightage to their experience and providing necessary relaxations. The relevant extract of the said decision reads as follows:

“...विषयांकित मामले में कार्यरत कर्मी वर्षों से अपनी सेवा दे रहे हैं, इसलिए उनके कार्यानुभव एवं सेवा अवधि के आधार पर अतिरिक्त भार (वेटेज) विश्वविद्यालय द्वारा सक्षम प्राधिकार का अनुमोदन प्राप्त कर दिया जाए...”

Further, the State Government itself, vide letter dated



16.08.2017 (Annexure-K), prescribed the criteria for such selection, specifically allocating 30 marks towards work experience, thereby giving concrete shape to the assurance extended before this Court. The appointments of the petitioners were thereafter made vide notification dated 17.11.2017 (Annexure-P/17), and the same were duly acted upon resulting in the petitioners discharging their duties for several years without interruption.

In the aforesaid factual backdrop, the doctrine of promissory estoppel squarely applies. The Hon'ble Supreme Court in **Union of India v. Anglo Afghan Agencies, AIR 1968 SC 718**, has held that where the Government makes a representation and a party acts upon it, the Government is bound by such representation. The Court observed:

“...the Government is not exempt from liability to carry out the representation made by it as to its future conduct and it cannot on some undefined and undisclosed ground of necessity or expediency fail to carry out the promise solemnly made by it...”

The principle of legitimate expectation is also attracted in the present case. The petitioners, having been subjected to a court-monitored selection process, framed with the participation



of the State, and having been appointed and allowed to continue in service for a considerable period, had a legitimate expectation that their appointments would not be unsettled on grounds which were available but not invoked at the relevant time.

Further, the conduct of the respondents is also clearly hit by the doctrine of approbation and reprobation. Having accepted and implemented the process leading to the appointment of the petitioners, including granting them the benefit of weightage for past service and allowing them to discharge duties, the respondents cannot now turn around and contend that such appointments were impermissible. In this regard, the principle that a party cannot “blow hot and cold” or “accept and reject” the same transaction stands squarely attracted.

It is also relevant to note that the respondents derived benefit from the services rendered by the petitioners over the years, and at no point contemporaneously questioned the legality of their appointments on the ground now sought to be urged. The subsequent attempt to deny approval, therefore, appears to be an afterthought and is legally unsustainable.

In view of the aforesaid, this Court holds that the



respondents are estopped from denying approval to the appointments of the petitioners, having themselves initiated, participated in, and acted upon the very process which culminated in such appointments. The impugned action, being contrary to the doctrines of promissory estoppel, legitimate expectation, and approbation and reprobation, cannot be sustained in law.

Issue (iii) Whether the reliance placed by the respondents on Memo No. 494 dated 12.04.2021 (Annexure-P/26), the subsequent observations contained in Memo No. 1689 dated 29.11.2024 (Annexure-P/31), and the impugned order contained in Memo dated 13.02.2025 (Annexure-P/32), can be sustained in law, particularly when the earlier judgment dated 20.10.2022 passed in CWJC No. 12758 of 2021 (Annexure-P/30) although having taken notice of the order contained in Memo No. 494 dated 12.04.2021 regarding the withdrawal of grant of approval, still passed order for payment of arrears of salary.

Finding on Issue no. (iii)

This Court has carefully considered the submissions advanced on behalf of the parties with regard to the reliance placed by the respondents upon Memo No. 494 dated



12.04.2021 (Annexure-P/26) and the subsequent observation contained in Memo No. 1689 dated 29.11.2024 (Annexure-P/31), and the impugned order contained in Memo dated 13.02.2025 (Annexure-P/32). Upon a holistic appreciation of the factual and legal position, this Court is of the considered view that such reliance cannot be sustained in law in the peculiar facts of the present case.

At the outset, it is evident that Memo No. 494 dated 12.04.2021 (Annexure-P/26), whereby approval earlier granted to certain non-teaching employees was withdrawn, became the foundational basis for all subsequent actions of the respondents. However, the legality and effect of the said memo fell for consideration before this Court in CWJC No. 12758 of 2021 and analogous matters, which were disposed of by judgment dated 20.10.2022 (Annexure-P/30). A plain reading of the said judgment indicates that this Court did not affirm or uphold the withdrawal of approval on merits; rather, it consciously refrained from interfering with the memo while simultaneously directing that salary be paid to those who were discharging duties. This direction for payment of salary could not have been made by the Court, had the Court agreed to the decision of the State Government contained in Memo no. 494 dated 12.04.2021



withdrawing earlier granted approval.

Thus, the effect of the judgment dated 20.10.2022 (Annexure-P/30) cannot be construed as a positive validation of the action taken under Memo No. 494 dated 12.04.2021 (Annexure-P/26). It is well settled that a decision not to interfere does not amount to affirmation of the reasoning or legality of the impugned action. In the present case, the Court adopted a balanced approach, leaving the question of approval open while ensuring that employees who were actually working were not denied wages. Therefore, the respondents' contention that Memo No. 494 has attained finality on merits is misconceived.

Further, the subsequent administrative actions, namely Memo No. 1689 dated 29.11.2024 (Annexure-P/31) is found to be merely consequential to the earlier memo no. 494 dated 12.04.2021 and do not disclose any independent application of mind to the specific facts of the petitioners' case. Rather, they proceed on a generalized assumption that certain categories of appointments were illegal, without advertng to the peculiar circumstances under which the petitioners were appointed, namely, pursuant to judicial directions and a structured, State-approved selection process.



It is also pertinent to note that the impugned administrative actions fail to consider the intervening developments, including the long continuance of the petitioners in service since 2017 and the fact that their appointments were made pursuant to a process evolved in compliance with the orders of this Court in CWJC No. 14196 of 2015 and MJC No. 943 of 2017. The absence of any individualized assessment or reasoned determination renders the subsequent decisions vulnerable to challenge on the ground of arbitrariness.

Moreover, the reliance placed on Memo No. 494 dated 12.04.2021 (Annexure-P/26) to retrospectively invalidate appointments made years earlier, without any finding of fraud, misrepresentation, or fundamental procedural illegality, is legally impermissible. It has long been the settled view that administrative decisions cannot be applied in a manner so as to unsettle vested rights accrued through a process undertaken under judicial supervision.

In view of the aforesaid, this Court holds that the reliance placed by the respondents on Memo No. 494 dated 12.04.2021 (Annexure-P/26), the subsequent observations contained in Memo No. 1689 dated 29.11.2024 (Annexure-P/31), and the impugned order contained in Memo dated 13.02.2025



(Annexure-P/32) is legally unsustainable. The judgment dated 20.10.2022 (Annexure-P/30) cannot be read as conferring legitimacy upon the withdrawal of approval, and the impugned actions, being mechanical and devoid of proper consideration of the petitioners' case, cannot be upheld.

Issue (iv) Whether the case of the present petitioners can, in law and on facts, be treated as identical to that of Rajeshwar Roy, whose claim was rejected pursuant to order dated 24.09.2025 (Annexure-C), despite the petitioners having independently challenged the impugned Memo dated 13.02.2025 (Annexure-P/32) and asserted distinct factual and legal grounds?

This Court has considered the contention of the respondents that the case of the present petitioners is identical to that of Rajeshwar Roy and, therefore, is liable to be governed by the same outcome as reflected in the order dated 24.09.2025 (Annexure-C). Upon careful scrutiny of the materials on record, this Court finds that such a contention is misplaced both on facts and in law.

At the outset, it is to be noted that the petitioners herein have specifically challenged the impugned order contained in Memo No. 14/MU/13-266/2021-175 dated



13.02.2025 (Annexure-P/32), whereby approval of their appointments has been withheld. The present writ petition, therefore, raises an independent cause of action, requiring adjudication on the basis of the factual matrix and legal grounds urged by the petitioners. In contrast, the case of Rajeshwar Roy proceeded in a different factual and procedural context, culminating in an administrative rejection of his claim vide Memo No. 215 dated 24.09.2025 (Annexure-C), pursuant to a direction issued in CWJC No. 2434 of 2025.

In the case of **Rajeshwar Roy**, he had filed a writ application bearing CWJC No. 2434 of 2025 wherein he had prayed for regularisation in service and consequential monetary relief. While disposing off the said writ application on 13/02/2025, this court had made the following observations (operative portion):-

“The Vice Chancellor is directed to call for all the particulars relating to the petitioner and examine the case and submit a report before the Addl. Chief Secretary, Education deptt., Govt. of Bihar for doing the needful in the case of the petitioner, who has been harassed time and again to approach this court”

Pursuant to the aforesaid direction given in CWJC No. 2434 of 2025 the case of **Rajeshwar Roy** was examined by the



University and was found that **Rajeshwar Roy** had indulged in fraud and manipulation, consequent upon which, the case of **Rajeshwar Roy** was dismissed by the University, by taking the following decision, the operative portion of which reads as:-

“In view of the above facts & figures, the prayer of the petitioner Rajeshwar Roy has no substance and is fit to be dismissed. The Hon’ble Patna High Court may kindly be moved accordingly or as the Additional Chief Secretary, Education Deptt, Govt. of Bihar deems fit.”

It is in the aforesaid backdrop, that the decision of the University was approved/upheld by the State Government vide Annexure C to the Counter Affidavit. In the present case, it is not the case of the respondents that the petitioners have ever indulged in either fraud or manipulation. Therefore, to equate the case of the petitioners to that of **Rajeshwar Roy** is completely misconceived and misplaced.

Further, it is also evident that the order dated 24.09.2025 (Annexure-C) in the case of **Rajeshwar Roy** is an administrative determination and not a binding judicial precedent. Such an order cannot be mechanically applied to other cases without independent consideration of the relevant facts and legal issues. The approach adopted by the respondents, in treating the petitioners’ claim as concluded



merely on the basis of the rejection of another individual's claim, is contrary to settled principles of administrative fairness and reasoned decision-making.

It is also significant that the petitioners have raised distinct legal grounds, including challenge to the impugned Memo dated 13.02.2025 (Annexure-P/32), the applicability of the doctrine of promissory estoppel, and the effect of prior judicial directions. These aspects have neither been examined nor adjudicated in the case of **Rajeshwar Roy** in a manner that would foreclose the petitioners' claim.

In view of the aforesaid, this Court holds that the case of the present petitioners cannot be treated as identical to that of **Rajeshwar Roy**, and the reliance placed by the respondents on the rejection of his claim is legally untenable. The petitioners are entitled to an independent adjudication of their rights based on the facts and circumstances peculiar to their case, and the impugned action cannot be justified on the ground of parity with an administrative decision rendered in another matter.

Issue (v) Whether, irrespective of the dispute regarding approval of appointment, the petitioners, having admittedly discharged duties, are entitled to payment of current salary and arrears of salary from June 2023



onwards?

Finding on Issue (v)

The issue as to whether the petitioners are entitled to payment of current salary and arrears of salary from June 2023 onwards, irrespective of the dispute concerning approval of their appointments, must be answered in the affirmative, both on settled principles of service jurisprudence and on the admitted stand of the respondents themselves.

From the materials on record, it is not in dispute that the petitioners have been discharging their duties and rendering services under the University. Even the respondents, in their own pleadings, have not categorically denied the factum of work performed; rather, departmental communications dated 23.03.2023 (referred to in the counter affidavit) clearly indicate that the University was directed to make payment to such persons for the period they have actually worked, subject to verification. This administrative direction itself embodies the well-established principle that remuneration must follow work.

In this context, the doctrine of “no work, no pay” cannot be adverted to deny wages where work has in fact been taken. The Hon’ble Supreme Court has consistently held that where an employee has discharged duties, the employer cannot unjustly



enrich itself by withholding salary on technical or administrative grounds. The right to receive wages for work performed is not merely contractual but is also rooted in Articles 14 and 23 of the Constitution, which prohibit arbitrary deprivation and exploitation of labour.

The respondents' contention that salary cannot be paid in the absence of approval of appointment is equally untenable in the facts of the present case. The issue of approval pertains to the legality and continuity of service; however, it does not obliterate the factual position that services were in fact rendered. Even in cases where appointments are later found to be irregular, courts have repeatedly protected the right of employees to receive wages for the period during which they actually worked. The reliance placed by the respondents on the absence of approval, therefore, cannot defeat the petitioners' claim for salary already earned.

Moreover, the departmental stance, as reflected in letters dated 23.03.2023, reinforces this position by expressly directing payment for work done. This shows that even at the administrative level, there was recognition of the obligation to compensate the petitioners for services rendered, independent of the final adjudication on the validity of their appointments.



In light of the aforesaid, this Court is of the considered view that the entitlement of the petitioners to current salary and arrears from June 2023 onwards stands on a distinct and independent footing, unaffected by the pendency of disputes regarding approval of appointment. The respondents, having admittedly taken work from the petitioners and having themselves acknowledged, both before this Court and in departmental communications, the liability to pay for such work, cannot be denied.

Accordingly, the issue is answered in favour of the petitioners, holding that they are entitled to payment of current salary as well as arrears of salary from June 2023 onwards and the respondents are under a legal obligation to ensure such payment within a reasonable time.

Issue (vi) Whether, in the facts and circumstances of the present case, the petitioners are entitled to grant of approval of their appointment with retrospective effect from their initial dates of engagement, i.e., 22.06.1992 and 14.01.1995 respectively, along with consequential notional service benefits including seniority, pay fixation, and pensionary advantages, notwithstanding the fact that their formal appointment to the post of Upper Division Clerk was



made in the year 2017 pursuant to the directions of this Court?

Finding on Issue no. (vi)

While addressing the issue as to whether the petitioners are entitled to grant of approval of their appointment with retrospective effect from 22.06.1992 and 14.01.1995 along with consequential notional benefits, this Court is of the considered view that such a claim cannot be sustained in law, having regard to the factual matrix and the settled principles governing service jurisprudence.

At the outset, it is not in dispute that the petitioners were initially engaged as daily wage workers between the years 1992 and 1995. The materials on record, including the counter affidavits filed on behalf of the respondents, clearly indicate that at the relevant point of time, there were no duly sanctioned posts against which the petitioners were engaged. The sanction of posts in the University came much later, vide Government Memo No. 1592 dated 02.12.2014, issued pursuant to the directions of this Hon'ble Court in earlier proceedings. Thus, the foundational requirement of holding a post borne on a sanctioned cadre was absent at the time of initial engagement of the petitioners.



It is a settled proposition of law that regularisation or grant of service benefits with retrospective effect cannot be claimed from a date when the employee was not appointed against a sanctioned post. The distinction between engagement as a daily wager and appointment to a regular post is not merely procedural but goes to the root of the legality of the claim. In the present case, the petitioners were admittedly not appointed through a regular selection process in the years 1992 and 1995, nor were they holding sanctioned posts at that stage. Their eventual appointment in the year 2017 (Annexure-P/17) was made pursuant to a fresh selection process undertaken in compliance with the directions of this Hon'ble Court, wherein weightage for past service was duly accorded as per Memo No. 1403 dated 29.11.2016.

This Court further notes that the benefit of past service rendered by the petitioners was not ignored; rather, it was duly recognized and compensated in the selection process itself by granting weightage marks. Therefore, the claim for further retrospective regularisation from the initial dates of engagement would amount to conferring a double benefit, which is not permissible in law.

Moreover, the law laid down by the Hon'ble Supreme



Court in cases relating to regularisation consistently emphasizes that past service rendered on daily wage or casual basis, particularly against non-sanctioned posts, does not automatically entitle an employee to be regularised from the initial date of such engagement. Regularisation, when permissible, takes effect from the date of lawful appointment against a sanctioned post and not from the date of initial casual engagement.

In the facts of the present case, the petitioners' appointment to the post of Upper Division Clerk in the year 2017 was the first instance of their induction into a regular cadre post, following a process recognized in law and supervised by judicial directions. Consequently, while their long years of service prior thereto may entitle them to equitable consideration, the same cannot be stretched to grant notional seniority, pay fixation, or pensionary benefits from 1992 and 1995, when they were merely engaged as daily wagers without the backing of sanctioned posts.

Accordingly, upon a comprehensive consideration of the factual and legal position, this Court holds that the claim of the petitioners for grant of retrospective approval of their appointment from 22.06.1992 and 14.01.1995, along with



consequential notional benefits is legally untenable and cannot be sustained. The said dates pertain to a period during which the petitioners were merely engaged as daily wage workers, not borne on any sanctioned posts, nor appointed through a process recognized in law. The subsequent creation and sanction of posts in the year 2014, followed by a structured selection process culminating in their appointment in 2017, marks the first point at which their services attained legal sanctity in the eyes of service law. While the long tenure of service rendered by the petitioners prior to such appointment has rightly been accorded due weightage in the selection process, the same cannot be elevated to confer a right of retrospective regularisation or notional continuity in service from a date when no enforceable legal right existed. Granting such relief would not only run contrary to settled principles but would also amount to rewriting the terms of appointment and overlooking the distinction between casual engagement and regular service. Consequently, the petitioners' entitlement to service benefits must necessarily be confined to the period commencing from their valid appointment in the year 2017.

RELIEF(s)

29. In the light of the discussions made



hereinabove and the findings recorded on each of the issues, the reliefs prayed for by the petitioners are considered and disposed of as follows:

(i) With respect to the first relief, seeking quashing of the impugned office order contained in Memo No. 14/MU/13-266/2021-175 dated 13.02.2025, this Court, for the reasons recorded while deciding Issue No. (i), holds that the said impugned order, whereby approval of the petitioners' appointment to the post of Upper Division Clerk has been withheld on the ground that the post is promotional in nature, is legally unsustainable. Accordingly, the said Memo dated 13.02.2025 (Annexure-P/32) is hereby quashed and set aside.

(ii) With respect to the second relief, seeking a direction for grant of approval of appointment/service of the petitioners with retrospective effect from 22.06.1992 and 14.01.1995, this Court, for the reasons elaborately discussed while answering Issue No. (vi), holds that such a claim is not tenable in law. The petitioners, having been engaged as daily wage workers on non-sanctioned posts during the said period, cannot claim retrospective approval from those dates. Accordingly, this relief is declined.

(iii) With respect to the third relief, seeking grant of



notional benefits from the initial dates of engagement i.e., 22.06.1992 and 14.01.1995, this Court finds that in view of the petitioners' status as daily wagers during the relevant period and absence of sanctioned posts, no such notional benefits can be granted from those dates. However, it is clarified that the petitioners shall be entitled to all consequential service benefits strictly in accordance with law from the date of their valid appointment in the year 2017. To this extent, the relief stands partly allowed.

(iv) With respect to the fourth relief, seeking payment of current salary along with arrears of salary due from June 2023, this Court, in view of the admitted position and the stand recorded before this Court on 17.03.2026, as well as the principles discussed while deciding Issue No. (v), holds that the petitioners are entitled to receive their current salary and arrears of salary from June 2023 onwards. Accordingly, the respondents are directed to ensure payment of the same within a period of eight weeks from the date of receipt/production of a copy of this judgment.

(v) With respect to the fifth relief, seeking payment of interest on the delayed payment of arrears of salary, this Court is of the opinion that in the facts and circumstances of the



present case, where the petitioners have been deprived of their legitimate dues for a considerable period without justifiable cause, they are entitled to be compensated. Accordingly, it is directed that the arrears of salary payable to the petitioners from June 2023 shall carry simple interest at a reasonable rate, which is quantified at 6% per annum, to be calculated from the date the salary became due till the date of actual payment. Interest payment shall also be made within a period of eight weeks along with the arrears of salary.

30. In the peculiar facts and circumstances of the present case, this writ application is allowed on the aforesaid terms. All pending I.As, if any, shall stand disposed of. There shall be no order as to costs.

(Alok Kumar Sinha, J)

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AFR/NAFR	AFR
CAV DATE	28.04.2026
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