

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2141 of 2026

1. Kaushal Kumar Mandal son of Anand Chandra Mandal, resident of Village and P.O.- Pindaruch, House No. 54, Ward no. 7, P.S.- Kamtaul, District- Darbhanga, Pin Code- 847306, at present working as Class-IV employee (Night Guard), in Upshastri Sanskrit College, Pindaruch, District - Darbhanga
2. Deepak Kumar Mishra son of Pawan Kumar Mishra, resident of Village- Ladari, P.O.-Samaila Lalganj, Anchal and P.S.-Keoti, District- Darbhanga, Pin Code-847121, at present working as Class-IV employee (peon), in Upshastri Sanskrit College, Pindaruch, District - Darbhanga.
3. Bhola Manjhi son of Ram Kalewar Manjhi, resident of Village- Shisho Dih, P.O.- Siso, P.S.- Sadar, District- Darbhanga, Pin Code- 846005, at present working as Lower Division Clerk in Upshastri Sanskrit College, Pindaruch, District - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Vikash Bhawan New Secretariat, Bihar, Patna.
3. The Secretary, Higher Education, Education Department, Vikash Bhawan New Secretariat, Government of Bihar, Patna.
4. The Deputy Secretary, Higher Education, Education Department, Vikash Bhawan New Secretariat, Government of Bihar, Patna.
5. The Special Secretary, Higher Education, Education Department, Vikash Bhawan New Secretariat, Government of Bihar, Patna.
6. The Director, Higher Education, Education Department, Vikash Bhawan New Secretariat, Government of Bihar, Patna.
7. The In-charge, Pay Verification Cell, Education Department, Government of Bihar, Patna.
8. The Kameshwar Singh Darbhanga Sanskrit University, Kameshwarnagar, Darbhanga through its Registrar.
9. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University Kameshwarnagar, Darbhanga.
10. The Registrar, Kameshwar Singh Darbhanga Sanskrit University Kameshwarnagar, Darbhanga.
11. The Finance Officer, Kameshwar Singh Darbhanga Sanskrit University Kameshwarnagar, Darbhanga.
12. The Secretary, Upshastri Sanskrit College, Pindaruch, District - Darbhanga.
13. The Principal, Upshastri Sanskrit College, Pindaruch, District - Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Adv.
For the Respondent/s : Mr. Ramadhar Singh, GP-25



CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-02-2026 Learned Advocate for the respective parties are present.

2. The petitioner nos. 1 and 2 are Class-IV employee, whereas petitioner no. 3 is a Lower Division Clerk of Upshastri Sanskrit College, Pindaruch, Darbhanga who have approached this Court for the following reliefs:-

“i. For issuance of an appropriate writ in the nature of CERTIORARI, commanding the concerned respondents for payment of salary with statutory interest and all admissible allowances to all the three A (3) petitioners from the date of their joining i.e. from 02.09.2020, as all the three petitioners were appointed on 29.08.2020, as the petitioner no.1 was appointed as Class- IV employee (Night Guard) by the Secretary of the Governing Body of Upshastri Sanskrit College, Pindaruch, District Darbhanga, vide letter no. USMP/S/R-166/ 2020 dated 29.08.2020, whereas the petitioner no.2 was appointed as Class-IV (peon) by the Secretary of the Governing Body of Upshastri Sanskrit College, Pindaruch, District-Darbhanga, vide Letter No. USMP/S/R-165/2020 dated 29.08.2025 and the petitioner no. 3 was appointed as Lower Division Clerk by the Secretary of the Governing Body of Upshastri Sanskrit College, Pindaruch, District - Darbhanga, vide letter no. USMP/S/R-164/2020 dated 29.08.2020. Though, all the three petitioners have submitted their



joining on 02.09.2020 and since then they have been performing their service, regularly, but salary and allowances has not been paid to them, by the University, though the required fund has already been released by the State Government, for the financial year 2023-24, 2024-25, 2025-26, on the basis of the requisition / budget sent by the University mentioning the names of all the three petitioners.

ii. For issuance of appropriate direction to the respondents 1 set commanding them to issue direction to respondents 2nd set, forpayment of salary and allowances to all the three (3) petitioners, since 02.09.2020.

iii. For grant of other relief / reliefs, to which the petitioners may found entitled, on the facts and circumstances of the case.”

3. Learned Advocate for the petitioners adverting to the facts submitted that the college, in question, is a deficit grant affiliated Inter College, under Kameshwar Singh Darbhanga Sanskrit University, Kameshwarnagar, Darbhanga (in short, “University”) and the petitioners have been discharging their duties as Class-IV employees/Lower Division Clerk and a duly covered with a Triple Benefit Schemes as also the employees of such colleges are eligible for pay scale and its retiral benefits, equivalent to the employees of the constituent College as well as employees of the University.

4. The aforesaid issue has also been considered and set at rest by a Bench of this Court in CWJC No. 9726 of 2017,



which has been duly affirmed up to the Apex Court in SLP (Civil) No. 23489 of 2019. Based upon the aforementioned decisions, the Registrar of the University has also issued Notification No. 950 dated 26.06.2021.

“5. Notwithstanding the aforesaid fact, when the identically situated persons have not been allowed the salary and other benefits, despite the appropriate fund having been released by the State Government, they have approached this Court in C.W.J.C. No. 6011 of 2025. The learned Single Judge having considered the materials available on record has been pleased to hold as follows:

“6. Learned counsel appearing on behalf of the University informs that after verification, as to whether, the amount which has been released is earmarked in respect of payment of salary of the petitioner and if it is found that the allotted fund also includes for required payment of salary etc. of the petitioner, the same will be paid to the petitioner forthwith.

7. It is expected from the Registrar of the University that he must not delay for any reason or for his any personal intent. He must release after verifying from the information relating to the petitioner and the information which has been brought on record in the present writ petition.

8. In view of the information given by the



learned State counsel that the fund has already been released, the payment must be made to the petitioner forthwith, not beyond a period of one week.”

5. It is further contended that identically situated persons have further approached this Court and their cases have also been disposed of in identical terms. Two of the orders passed by the coordinate Bench as well as this Court in C.W.J.C. No.6230 of 2025 and further in C.W.J.C. No. 14418 of 2025 have also been placed on record.

6. Referring to the afore noted orders passed by a coordinate Bench of this Court, learned Advocate for the petitioners thus contended that the cases of the petitioners are entirely covered with the aforesaid decisions and the Registrar of the University is also obliged to take a final decision in the matter of the claim of the petitioners, since necessary grants have already been released by the State Government. Irrespective of the aforesaid facts and the petitioners have been performing their duty regularly since the very date of appointment, but they are being deprived from their due their salary.

7. On the other hand, learned Advocate for the University has submitted that for proper adjudication of the matter, a short adjournment is required so that he may file a



counter affidavit.

8. Having considered the limited grievance of the petitioner with respect to due payment of salary and other allowance for the period based upon the decision rendered by this Court, this Court deems it apt and proper to dispose off the writ petition in the light of the discussions made hereinabove, extending the liberty to the petitioners to file a fresh representation along with the copy of this order, preferably within a period of four weeks.

9. In case such a representation is filed, the Registrar of the University shall consider the claim of the petitioner(s), as prayed for in the writ petition, and pass appropriate order, in accordance with law, keeping in mind the parity sought for by the petitioner especially the petitioners of CWJC No. 6011 of 2025 and pass a reasoned and speaking order.

10. Suffice it to observe that in case, all the claims of the petitioner(s) finds favour, consequential monetary benefits be already accorded to them, within the stipulated period.

11. The writ petition stands disposed off.

(Harish Kumar, J)

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