

CP 3
9/12/11

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(Miscellaneous Judicial Jurisdiction)**

M.J.C. No.....of 2012

(Arising out of C.W.J.C. No.-13301 of 2010)

Asha Jha.

.....Petitioner.

Vs.

Dr. Arun Kumar, the V.C. & Ors.

.....~~Respondents.~~ Contemners/CP.

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IN THE HIGH COURT OF JUDICATURE AT PATNA

(Miscellaneous Judicial Jurisdiction)

M.J.C. No.....of 2012

(Arising out of C.W.J.C. No.-13301 of 2010)

In the matter of an application
under section 12 of the
Contempt of Court Act. read
with Article 215 of the
Constitution of India.

And

In the matter of

Asha Jha W/o Late Rameshwar Jha, resident of Masjid
Road, Ward no.-11 near Arcodrome, P.O.+P.S.-Birpur,
Distt.-Supaul.

.....Petitioner.

Versus

1. Dr. Arun Kumar, Vice Chancellor, The B.N. Mandal
Univerity, Lalu Nagar, Madhepura.

2. Sri Ganesh Pd. the Registrar, The B.N. Mandal, University, Lalu Nagar Madhepura.
3. Sri Amarjeet Sinha, the Principal Secretary, The HRD, Deptt. Govt. of Bihar, Patna.
4. The State of Bihar through the Principal Secretary HRD Deptt. Govt. of Bihar, Patna.

.....Contemnors/Opp. Parties.

To,

The Hon'ble Ms. Justice Rekha M. Doshit, the Hon'ble Chief Justice of the Hon'ble High Court of Judicature at Patna and her companion justices of the said Hon'ble Court.

The humble petition on behalf of the petitioner above named.

MOST RESPECTFULLY SHEWETH:-

1. That this application is being filed for initiation a contempt proceeding against the opp. parties. for deliberate and wilful violation of the order dated

08.10.2010 passed in CWJC No.-13301/10 by Hon'ble Mr. Justice Navaniti Pd. Singh by which a direction was issued to the state and all the universities of Bihar to fix the basic-pay at R. 14940/- p.m. to the Readers who have completed 5 year in the said capacity by that day.

2. That the petitioner is the wife of Late Prof. Rameshwar Jha who retired as a Reader in mathematics on 31.07.2008 from B.N. Mandal, University, Lalu Nagar, Madhepura while working at L.N.M.S. College, Birpur in the said university.
3. That Late Prof. Rameshwar Jha expired on 18.11.11 in course of treatment at A.M.R.I., Hospital, Kolkata which is clear from the certificate issued by Kolkata Municipal Corporation on 21.11.11.

A copy of the death certificate dated 21.11.11 is being filed herewith and marked as

Annexure-1 to this contempt application.

4. That after ^{the} death of the husband of the petitioner, the petitioner was granted family pension and the pension is being paid alongwith some other arrears as is clear from the payment order of the Finance Officer dated 21.02.12 sent to the Principal L.N.M.S. College, Birpur.

A copy of the abovementioned payment of order dated 21.02.12 is being filed and marked as Annexure-2 to this contempt application.

5. That the Late Prof. Jha had filed CWJC no.-8915/10 for the payment of the arrears (retiral and non-retiral) under different head which was disposed of on 21.05.2010 by Hon'ble Mr. Justice Shailesh Kumar Sinha with direction to the state and the university to

make the payment of admitted dues and pass reasoned order for the rejected claims.

A copy of the order dated 21.05.10 is being filed herewith and marked as Annexure-3 to this contempt application.

- 6(a) That when the payment was not made in time the husband of the petitioner (Late Prof. Jha) filed a contempt application bearing MJC No.-611/11 which was disposed of on 27.06.12 after a show cause was filed by the university authorities claiming that admitted dues had been paid.
- (b) That the authorities annexed letter no.-A/C 243/12 dated 23.06.12 showing a payment of Rs. 303395/- as arrears of salary.

A copy of letter dated 23.06.12 is being filed herewith and marked as Annexure-4 to this contempt application.

- (c) That in para-10 of the show cause, the university authorities stated directly that the payment was made in the pay of Rs. 12000-18300/- as admissible to a Reader.
7. That the pay scale granted to Late Prof. Jha is in direct, wilful and deliberate violation of the order dated 08.10.10 passed in CWJC No.-13301/10 by the Hon'ble Mr. Justice Navniti Pd. Singh.

A copy of the order dated 08.10.10 is being filed herewith and marked as Annexure-5 to this contempt application.

- 8(a) That the judgment has been re-affirmed ~~is~~ⁱⁿ so many writ applications and the payment of the correct amount and refund of the recovered amount has been emphasized in so many orders in a bunch of contempt applications but the order has been of quite a general nature.

- (b) That in a writ application the same Hon'ble Judge made it abundantly clear that the order regarding pay-point of Rs. 14490/- admissible to Readers is general applications and no separate writ by any teacher of any university needs to be filed separately, the judgment is reported ⁱⁿ PLJR 2011(i) page-558.
- 9(a) That despite such a large number of writ applications as well as contempt applications, the contemnors/ opp. parties have dared to file a show cause that the arrear is being calculated in scale of Rs. 12000-18300/-.
- (b) That it is to be noted in this connection that the petitioner joined on university service, on 01.06.1975 was promoted to the Rank of Reader w.e.f. 01.01.1985 and continued in that capacity till retirement on 31.07.2008.
- (c) That thus the petitioner completed more than 10 years on 01.01.1996 as Reader.

10. That it is clear that the opp. parties have blatantly wilfully and deliberately have acted against the Judicial Pronouncement and the notification of the HRD Deptt. Dated 06.04.2011 accepting the pay point of Rs. 14940/- in compliance of the order of this Hon'ble Court.

A copy of notification of HRD Deptt. Dated 06.05.11 is being filed and marked as an Annexure-6 to this contempt application.

11. That the petitioner who is the widow of the Late Prof. Jha has come to the conclusion that the salary arrears due to ^{her} Late ^{her} husband will not be paid in the scale of Rs. 14940/- on 01.01.1996 unless the Hon'ble Court intervenes through a contempt proceedings and takes a serious view of the matter.

12. That the petitioner has not moved for the same relief on the same facts at any early date.

It is prayed therefore that your Lordships graciously be pleased to issue rule NISI asking and commanding the Opp. Party (Contemnors) to show cause why contempt proceedings be not initiated against them for the deliberate and wilful violation of order passed and direction issued on 08.10.2010 in C.W.J.C. No.-13301/10 in the light of statements made in this application.

And

If sufficient cause is not shown by the Opp. Party against issuance of contempt proceedings, make the rule absolute and suitably punish the contemnors.

And

Pass such other order and take such other actions so that the petitioner may get his legitimate dues and the majesty of law be upheld and such wilful and deliberate violations of judicial orders may not take place in future.

And for this the petitioner shall ever pray.

AFFIDAVIT

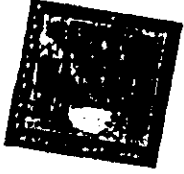
I, Rajshree Mishra, aged about 32 years, D/o Rameshwar Jha, resident of Flat No.-203, Suryananda Apartment, Opposite St. Paul School, Buddha Colony, East Boring Canal Road, Patna-1, do hereby solemnly affirm and state as follows:-

1. That I am daughter of the petitioner and as such I am fully aware of the facts and circumstances of the case.
2. That the petitioner my mother is pretty old and at present not in a position to come to Patna to swear in this affidavit.
3. That under the circumstances she has instructed and authorised to swear in this affidavit on her behalf.
4. That I have read the contents of the contempt application which I find true to the best of my knowledge and belief.
5. That the contents of para no.-3,4,5,6(b),7 and 10 are based on annexures attached thereto and the contents of paragraph-12 is matter of court record and the rest are by way of submission.
6. That the annexures attached are true/photo copies of their respective originals.

THE KOLKATA MUNICIPAL CORPORATION

HEALTH DEPARTMENT

5, S. N. Banerjee Road, Kolkata-700 013.



No. 0153005

FORM 6

DEATH CERTIFICATE

(FREE COPY)

(Issued u/s 12/17 of the RBD Act. 1969 and Rule 9/14 of the WBRBD Rules 2000)

M.G.E.C. (T)

This is to certify that the following information has been taken from the original record of death which is the register for (Local Area - Kolkata) District - Kolkata of State - West Bengal.

Name of the deceased	: RAMESHWAR JHA	
Sex (Male / Female)	: MALE	Age : 64 Y 0 M 0 D
Date of Death	: 18/11/2011	
Place of Death	: AMRI HOSPITALS KOLKATA 700029	
Name of Father /Husband of the deceased	: S/O LATE LALITESHWAR JHA	
Name of Mother of the deceased	: N/A	
Address of the deceased at the time of death	: N/A	
Permanent Address of the deceased	: L.N.M.S. COLLEGE, AT AND PO.-BIRPUR, DIST.-SUPAUL BIHAR, PIN CODE 854340 BIHAR	
Registration No.	: HG011/2011/013565 (OLD REGN. NO:- 13944)	 SHANAGORE BERNING GHAI Signature of the Registering Authority
Date of Registration	: 18/11/2011	
Date	: 21/11/2011	

शुपेन्द्र नारायण मंडल विश्वविद्यालय
मधेपुरा (बिहार) -- 852113

पत्रांक :

दिनांक :

सेवा में,

Principal,
L.N.M.S. College, Bihpur (S.P.N.W.)

विषय पेशन अर्जित अयकाश समीक्षा, प्रत्येक माह करने के संबंध में।

महोदय

सम्बन्धित विषयक सदर्भ में आपके नाम पेशन/पारिवारिक पेशन/अर्जित अयकाश समीक्षा/सेच्युटी कुल में। (रुपये)

संख्या दिनांक) रु. का चेक/ड्रॉपट के द्वारा भेजा जा रहा है।

आपसे अनुरोध है कि चेक/ड्रॉपट पावती रसीद विश्वविद्यालय को भेज दी जाय।

चेक/ड्रॉपट प्राप्तकर्ता का नाम चेक/ड्रॉपट सं. कुल राशि

(1) Smt. Asha Jha 053912 2,71,486 = 00
w/o - Late R. Jha 03.02.2012

Note Pen-Acc → 2,18,058 = 00

(ii) Grant → 27,724 = 00


(iii) LE → 25,704 = 00

T.A - 2,71,486 = 00

विश्वासभाजन

(Signature)

वित्त प्रदाधिकारी


 00000 JUDICIAL
 0000002
 15/05/2010
 OFFICE SECTY 15/05/2010
 INDIA *Srinivas A/C No. 39110*
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IN THE HIGH COURT OF JUDICATURE AT PATNA
 CWJC No.8915 of 2010

RAMESHWAR JHA SON OF LATE LALIT ESHWAR JHA
 RESIDENT OF MASJIT ROAD, WARD NO. 11 NEAR
 AERODROME, P.O. +P.S. BIRPUR DISTRICT SUPAUL
 Versus

1. THE B.N.MANDAL UNIVERSITY LALU NAGAR MADHEPURA THROUGH THE REGISTRAR OF THE UNIVERSITY.
2. THE VICE-CHANCELLOR THE B.N. MANDAL UNIVERSITY, LALU NAGAR MADHEPURA.
3. THE REGISTRAR, THE B.N. MANDAL UNIVERSITY, LALU NAGAR MADHEPURA.
4. THE STATE OF BIHAR THROUGH THE SECRETARY, HIGHER EDUCATION, DEPTT. OF HRD. GOVT. OF BIHAR, PATNA

02. 21.05.2010

Heard learned counsels for the petitioner, State as also the University.

The grievance of the petitioner is that upon his superannuation on 31st of July 2008 from the post of Reader from L.N.M.S. College, Birpur Supaul, the pension of the petitioner has not been fixed even the salary admitted by the University. Besides the above, due to wrong fixation of pension, petitioner has not been paid his retrial dues on account of gratuity, leave encashment and group insurance etc., as highlighted in the writ application.

It is submitted that despite representation as contained in annexure-4, the grievances of the petitioner have remained unconsidered till date.

Learned counsel appearing for the

COURT FILE
 15/05/2010
 INDIA *Srinivas A/C No. 39110*

respondent- University submits that the grievances of the petitioner shall be considered without delay as per law.

In the above circumstances, learned counsel for the petitioner submits that for expeditious disposal of the pending claims, petitioner proposes to file a representation before the respondent no. 3.

In such view of the matter, in case such representation stating details of unpaid claims is filed by the petitioner within a period of eight weeks along with the certified copy of the present order as also the copy of the relevant documents, if any, in support of the claim, the above respondent shall consider the claims of the petitioner as raised in the representation in accordance with law expeditiously, preferably within a period of three months on receipt of such representation so that the grievances of the petitioner could be settled without delay and the admitted dues could also be paid along with interest permissible under the rules.

The writ application stands disposed of with the above observations/directions.

Jagdish/-

sd / (Shallesh Kumar Sinha, J)

RECEIVED TO BE FILED IN THE COURT OF THE Joint Registrar (J) Patna High Court under Sec 1376 Act I of 1873
Rajendra Pr. Sinha
23/6/10
2509202

Annexure-4

16

भूपेन्द्र नारायण मंडल विश्वविद्यालय
मधेपुरा (बिहार) - 852113

पत्रांक : Mc-243/12

दिनांक : 23-6-12

सेवा में,

प्रधानाचार्य,

स. नं. २०२०/२०१०, काली, म
रौरपुर

विषय : वकाया वेतन के भुगतान के संबंध में।
महाशय,

उपर्युक्त विषय के संबंध में चेक सं. 144693 दिनांक 23-6-12 के
द्वारा मो. 3,03,395=00 (रुपये- तीन लाख तीन हजार तीन सौ
पचास) रु. की राशि प्रेषित की जा रही है।

उक्त राशि के विरुद्ध संबंधित शिक्षको/शिक्षकेंतर कर्मचारियों की वकाया राशि का
भुगतान नियमित रूप में किया जाना है। भुगतान के पूर्व यह सूनीश्वत करना अनिवार्य
होगा कि किसी भी रूप में दोहरा भुगतान नहीं हों। किसी भी प्रकार के अनियमित भुगतान
की गारंटीज जवाबदेही प्राचार्य, वरर एव लेखापाल की होगी।

क्र.	नाम	पदनाम	अवधि	राशि
1.	रामेश्वर का	उपाचार्य	1-1-96 से 31-7-08 तक	3,03,395=00

मुद्रासमाजन की अग्रणीयता प्रमा... कर दिया जाय।
दिनांक: 23-6-12

विश्वसभाजन,

कुलसचिव

दिनांक -
23-6-12

Signature - 15 17



INDIA

754466

BIHAR

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVJC No 13301 of 2010

1. ASHUTOSH KUMAR SINHA S/O SRI RAM YATAN SINGH R/O DESHRATAN PATHI, E-1, VIJAY NAGAR, HANUMAN NAGAR, P.O.- KANKARBAGH, P.S.- AGAMKUAN, DISTT.- PATNA
2. DR. ARUN KUMAR JHA S/O SRI INDRAKANT JHA R/O BHOOTNATH ROAD, NEAR SOUTHERN WATER TANK, P.O.- BAHADURPUR HOUSING, DISTT.- PATNA
3. DR. SHYAM KISHORE PRASAD S/O LATE KUSHESHWAR PRASAD R/O NIKET ANAND, JAGDEOPATH BAILEY ROAD, P.O.- VETERINARY COLLEGE, P.S.- HAWAI ADDA, DISTT.- PATNA
4. DR. SURESH PASWAN S/O SHIBARI PASWAN R/O PATEL, FLAT NO.- 21, KANKARBAG, P.O.- KANKARBAG, P.S.- KANKARBAG, DISTT.- PATNA
5. DR. RAM NATH SINGH S/O LATE BUTAN SINGH R/O NAVNEET HOUSING COLONY, KALIMANDIR ROAD HANUMAN NAGAR, KANKARBAG, P.O.- PATRAKAR NAGAR, P.S.- PATRAKAR NAGAR, DISTT.- PATNA
6. DR. SHYAM DEO YADAV S/O LATE JALDIHAR PRASAD YADAV R/O ROAD NO.- 3D, ASHOK NAGAR, P.O.- KANKARBAG, P.S.- KANKARBAG, DISTT.- PATNA
7. RAM GOPAL SINGH S/O LATE SHIV MUNI SINGH R/O B-401, SHREE APARTMENT OPP. S.B.L. ANANDPURI, P.O.- PATLIPUTRA, P.S.- S.K. PURI, DISTT.- PATNA
8. DR. KISHOR KUMAR S/O SRI PRASADI SINGH R/O YOGIPUR, NEAR SHIV MANDIR, KANKARBAG, PATNA, P.O.- LOHIA NAGAR, P.S.- PATRAKAR NAGAR, DISTT.- PATNA
9. DR. INDRA KANT CHOUDHARY S/O LATE SARJU CHOUDHARY R/O RF-270, KANKARBAG, P.O.- KANKARBAG, P.S.- KANKARBAG, DISTT.- PATNA
10. DR. PRABHAT KUMAR S/O LATE SHRI PARMESHWAR SAHU R/O VIKAS COLONY, SANDALPUR ROAD, P.O.- MAHENDRU, P.S.- SULTANGANJ, DISTT.- PATNA
11. DR. SHUSHIL KUMAR SINGH S/O LATE YADU SINGH R/O 302, GAURI APARTMENT, PARWATI PATHI, NEW CHITRAGUPTA NAGAR, KANKARBAG, DISTT.- PATNA
12. R.N. PANDEY S/O LATE DINANATH PANDEY R/O A/150, P.C. COLONY, P.O.- KANKARBAG, LOHIA NAGAR, P.S.- LOHIA NAGAR, KANKARBAG, DISTT.- PATNA

Versus

1. THE MAGADH UNIVERSITY, BODH GAYA THROUGH THE REGISTRAR OF THE UNIVERSITY
2. THE VICE-CHANCELLOR THE MAGADH UNIVERSITY, BODH GAYA
3. THE REGISTRAR THE MAGADH UNIVERSITY, BODH GAYA
4. THE STATE OF BIHAR THROUGH THE SECRETARY HRD-DEPTT. OF THE HIGHER EDUCATION, GOVT. OF BIHAR

WITH

CIVJC No 13595 of 2010

1. OM PRAKASH NARAYAN S/O LATE SHHO NANDAN SINGH R/O NO. 109, SBI COLONY, P.S.- KANKARBAGH, P.O.- LOHINAGAR, DISTT.- PATNA
2. DR. ARUN KUMAR SINHA S/O SRI BHOLANATHI SINHA R/O 3A/16A, P.O.- WEST MAHESH NAGAR, DISTT.- PATNA-24
3. MANZAR ALI S/O LATE ZAHOR SHAH R/O MOHALLA-BARALIDARI, P.O.- BIHAR SARIF, DISTT.-NALANDA
4. ZIYA UDDIN MD. SABIR S/O LATE MD. SALAUDDIN R/O MOHALLA- BARALDARI, P.O.- BIHARSARIF, DISTT.- NALANDA
5. DR. ISHWAR CHANDRA S/O LATE DR. SAWARNKIRAN R/O MOHALLA- KARUNBAG, P.O.- SOHALAY, DISTT.- NALANDA
6. DR. BINOD KUMAR SINHA S/O LATE BIJAY KUMAR SINHA FLAT NO.-12, VIJAY LAXMI COMPLEX (NEAR KISAN CINEMA), P.O. - SOHARI, DISTT. - NALANDA
7. DR. SHAIKENDRA KUMAR S/O LATE RAJ KUMAR PRASAD SINHA R/O SHAKUNTLYAN, NORTH NAGAR NIGAM, P.O.- BIHARSARIF, DISTT.- NALANDA
8. DR. CHANDRA GUPTA DAS S/O LATE MAHANATHI GURUP DAS R/O N.H.-173, MOHALLA- LAHERI, P.O.- BIHARSARIF, DISTT.- NALANDA
9. DR. SWARAN PRAKASH S/O SRI NAWAL KISHORE PRASAD R/O B-403, SURYANSHU APARTMENT, MAURYA PATH, KHAJPURA, DISTT.- PATNA-14
10. DR. GANGA PRASAD SINGH S/O LATE RAM SINGH R/O MOHALLA- GRAHPUR (NEAR SOUTH COLLEGIATE M.S.), P.O.- BIHARSARIF, DISTT.- NALANDA
11. DR. AVINASH KUMAR SRIVASTAVA S/O AKHOURY TARKESHWAR PD. R/O AMBER CHOURAHA, BESIDE MAHADEVA TEMPLE, P.O.- BIHARSARIF, DISTT.- NALANDA

Versus

1. THE MAGADH UNIVERSITY, BODH GAYA THROUGH THE REGISTRAR OF THE UNIVERSITY
2. THE VICE-CHANCELLOR, THE MAGADH UNIVERSITY, BODH GAYA
3. THE REGISTRAR, THE MAGADH UNIVERSITY, BODH GAYA null null
4. THE STATE OF BIHAR THROUGH THE SECRETARY H.R.D. DEPTT. OF THE HIGHER EDUCATION, GOVT. OF BIHAR

WITH

CWJC No 13815 of 2010

1. PROF. JAI KUMAR SINGH S/O LATE NIL MOHAN SINGH R/O MOH SIRCHAND NAWADA (COLLEGE ROAD), P.S. & DISTT-JAMUI, AT PRESENT READER IN ZOOLOGY DEPARTMENT K.K.M.COLLEGE, JAMUI
2. DR. SUBODH KUMAR SINGH S/O LATE RAGHUNANDAN PRASAD SINGH R/O MOH NEW MAHISAURI, P.S. & DISTT-JAMUI AT PRESENT READER IN MATHEMATICS DEPARTEMENT , K.K.M.COLLEGE, JAMUI

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY, HUMAN RESOURCES DEVELOPMENT DEPARTMENT GOVERNMENT OF BIHAR, NEW SECRETARIAT, PATNA

2. THE SECRETARY, HUMAN RESOURCES DEVELOPMENT DEPARTMENT GOVERNMENT OF BIHAR, NEW SECRETARIATE, PATNA
3. THE DIRECTOR, HIGHER EDUCATION, HUMAN RESOURCES DEVELOPMENT DEPARTMENT GOVERNMENT OF BIHAR, NEW SECRETARIATE, PATNA
4. THE T.M.BHAGALPUR UNIVERSITY, BHAGALPUR, THROUGH ITS REGISTRAR
5. THE VICE-CHANCELLOR, T.M.BHAGALPUR UNIVERSITY BHAGALPUR
6. THE REGISTRAR, T.M.BHAGALPUR UNIVERSITY null BHAGALPUR
7. THE FINANCE OFFICER, T.M.BHAGALPUR UNIVERSITY BHAGALPUR .

WITH

CIVJC No 15200 of 2010

- 1 DR.SUDAMA SINGH, SON OF SRI RAJNATH SINGH, RESIDENT OF GOKUL PATH, NORTH PATEL NAGAR, PATNA - 800 024, P S - PATLIPUTRA, DISTRICT - PATNA, AT PRESENT POSTED AS READER, DEPARTMENT OF PHYSICS, A N COLLEGE, PATNA (M U)
- 2 DR ALAKH KUMAR SINGH, SON OF LATE LALITA PRASAD SINGH, RESIDENT OF MOHALLA - SRI NAGAR COLONY, ROAD NO 7, ASHIYANA NAGAR, PATNA - 800 025, AT PRESENT POSTED AS READER, DEPARTMENT OF PHYSICS, A N COLLEGE, PATNA (M U)
- 3 DR V JAY RAGHAV SINGH, SON OF LATE DR KEDAR NATH SINGH, AT PRESENT RESIDENT OF MOHALLA - MOHANPUR PUNAICHAK, P S - SHASTRI NAGAR, DISTRICT - PATNA - 800 023, AT PRESENT POSTED AS READER, DEPARTMENT OF PHYSICS, A N COLLEGE, PATNA (M U)
- 4 DR ASHOK GHOSH @ DR ASHOK KUMAR GHOSH, SON OF LATE CHARU CHANDRA GHOSH, RESIDENT OF MOHALLA - PROFESSOR COLONY, SHEOPURI, P S - SHASTRI NAGAR, DISTRICT - PATNA - 800 023, AT PRESENT POSTED AS READER, DEPARTMENT OF BOTANY, A N COLLEGE, PATNA (M U)
- 5 DR KAMAL KISHORE SINGH, SON OF SRI RAM BILAS SINGH, RESIDENT OF ARJUNA K D TOWER, ROAD NO ZERO, SHEOPURI, P S - SHASTRI NAGAR, DISTRICT - PATNA - 800 023, AT PRESENT POSTED AS READER, DEPARTMENT OF CHEMISTRY, A N COLLEGE, PATNA (M U)
- 6 DR SANGEETA SINHA, DAUGHTER OF LATE DR G S PRASAD SINHA, RESIDENT OF MOHALLA - PATLIPUTRA COLONY, HOUSE NO 319, P S - PATLIPUTRA, DISTRICT - PATNA - 800 024, AT PRESENT POSTED AS READER, DEPARTMENT OF PHYSICS, A N COLLEGE, PATNA (M U)
- 7 DR ARUN KUMAR, SON OF SRI CHANDRESHWAR PRASAD SINGH, RESIDENT OF MOHALLA - KALAMANCH, BAKERGANJ, P S - KADAM KUAN, DISTRICT - PATNA - 800 004, AT PRESENT POSTED AS READER, DEPARTMENT OF PHYSICS, A N COLLEGE, PATNA (M U)
- 8 DR MAMUNUR RASHID AFSER, SON OF LATE SYED MD ALI, RESIDENT OF MOHALLA - SAMANPURA, P S - SHASTRI NAGAR,

- DISTRICT - PATNA - 800 023, AT PRESENT POSTED AS READER, DEPARTMENT OF ZOOLOGY, A N COLLEGE, PATNA (M U)
- 9 DR BACHCHA PARASAD SINGH, SON OF LATE YAMUNA SINGH, RESIDENT OF FLAT NO 201, PRERNA APARTMENT, EAST SHEOPURI, P S - SHASTRI NAGAR, DISTRICT - PATNA - 800 023, AT PRESENT POSTED AS READER, DEPARTMENT OF ZOOLOGY, A N COLLEGE, PATNA (M U)
 - 10 DR DILIP KUMAR SINGH, SON OF LATE BALA SINGH, RESIDENT OF FLAT NO 304, MANSAROVER APARTMENT, EAST BORING CANAL ROAD, P S - BUDHA COLONY, DISTRICT - PATNA, AT PRESENT POSTED AS READER, DEPARTMENT OF ZOOLOGY, A N COLLEGE, PATNA (M U)
 - 11 DR RAMAWATAR SINGH, SON OF LATE RAGHAW SHARAN SINGH, RESIDENT OF SUSHILA SADAN, NEW PUNAICHAK, P S - SHASTRI NAGAR, DISTRICT - PATNA - 800 023, AT PRESENT POSTED AS READER, DEPARTMENT OF POLITICAL SCIENCE, A N COLLEGE, PATNA (M U)
 - 12 DR RAMESH PRASAD SINGH, SON OF LATE GANESH PRASAD SINGH, RESIDENT OF FLAT NO 106, KAS VIHAR APARTMENT 176, PALLIPUTRA COLONY, P S - PATI PUTRA, DISTRICT - PATNA - 800 013, AT PRESENT POSTED AS READER, DEPARTMENT OF HISTORY, A N COLLEGE, PATNA (M U)
 - 13 DR BADRI NARAYAN SINGH, SON OF LATE RADHA PRASAD SINGH, RESIDENT OF 22, MAHESH TOWER SHANKAR PATH, PUNAICHAK, P S - SHASTRI NAGAR, DISTRICT - PATNA - 800 023, AT PRESENT POSTED AS READER, DEPARTMENT OF HINDI, A N COLLEGE, PATNA (M U)
 - 14 DR RANA NARENDRA SINGH, SON OF LATE RAM NARESH SINGH, RESIDENT OF MOHALLA - RAJEEV NAGAR, P S - RAJEEV NAGAR, DISTRICT - PATNA - 800 024, AT PRESENT POSTED AS READER, DEPARTMENT OF BOTANY, A N COLLEGE, PATNA (M U)
 - 15 DR CHANDRAWATI KUMARI, DAUGHTER OF SRI CHANDRAMA SINGH, RESIDENT OF ROAD NO 10 MOHALLA - RAJEEV NAGAR, P S - RAJEEV NAGAR, DISTRICT - PATNA - 800 024, AT PRESENT POSTED AS READER, DEPARTMENT OF BOTANY, A N COLLEGE, PATNA (M U)
 - 16 DR RADHEY SHYAM SINGH, SON OF LATE NATHUNI SINGH, RESIDENT OF ROAD NO 13, MOHALLA - RAJEEV NAGAR, P S - RAJEEV NAGAR, DISTRICT - PATNA - 800 024, AT PRESENT POSTED AS READER, DEPARTMENT OF BOTANY, A N COLLEGE, PATNA (M U)

Ve sus

- 1 THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, HUMAN RESOURCES DEPARTMENT (HIGHER EDUCATION), GOVERNMENT OF BIHAR, PATNA
- 2 THE MAGADH UNIVERSITY THROUGH ITS REGISTRAR (M U), BODH GAYA, BIHAR
- 3 THE FINANCE OFFICER, MAGADH UNIVERSITY, BODH GAYA, BIHAR

For the Petitioners: M/s Raghav Prasad, Ram Sagar Singh & Ram Sagar Singh, Advocates

For the State: M/s AAG I & SC 14

For the Universities: M/s Anil Singh & Hans Raj, Advocates

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08.10.2010 These group of writ petitions raise a common grievance and, as such, are taken up, with consent of parties, for disposal together at this stage especially because the issue has already been squarely decided by this Court.

The petitioners are Teachers of Magadh University and Tilka Manjhi Bhagalpur University. They are aggrieved by the revision of pay scale of the Readers with effect from 01.01.1996 upon implementation of the UGC pay scale. The impugned actions of the Universities are to the effect that the Teachers would get minimum pay scale of Rs. 14,940/- after five years from 01.01.1996 and not from 01.01.1996 itself. This is pursuant to Government directives. The result is that all those Teachers, whose pay scales were fixed at Rs 14,940/-, upon implementation of the UGC pay scale by the Pay Revision Committee with effect from 01.01.1996, this pay scale was postponed by five years. That being so, there were allegedly substantial excess payments shown to the credit of Teachers which are sought to be recovered as well. In some cases, they have been recovered partially or fully. The further effect is that the applicability of the pay scale being postponed by five years, their existing pay scale also gets correspondingly reduced. It is these arbitrary actions which had brought the petitioners to this Court.

This Court heard the matter of various Universities and, by judgment in the case of *Dr Binod Kumar Pandey and Others -Versus- T M Bhatnagar University and Others being CWJC No 18552 of 2009 and other cases delivered on 05.07.2010*, held that the stand of the State was ridiculous and held that the Teachers were entitled to the said pay scale with effect from 01.01.1996. It could not be postponed. This Court thought that this judgment would have ended the controversy. Unfortunately even though we are dealing with Universities, they continue to behave like illiterate persons, the result is flooding this Court with useless litigations. Once the law has been settled then it is common sense that the law would apply to all similarly situated persons whether they come to the Court or not and every person or Authority, under the jurisdiction of the Court, is bound by the law as declared by the Court. The implementation whereof cannot be postponed or ignored and such action, if taken, would only invite action in contempt against those officers. These writ petitions are filed long after the judgment because some irresponsible and illiterate persons in the University chose to ignore the judgment of this Court forcing unnecessary litigations or for some other reason which the Court would not like to mention.

Be that as it may, the law being settled, it would apply to all similarly placed persons of whichever University. It is without the individuals being required to move this Court.

Let it be recorded that if it is brought to the notice of this Court that notwithstanding the judgment, University continues to act in defiance thereof, this Court would take very strict view of the matter and

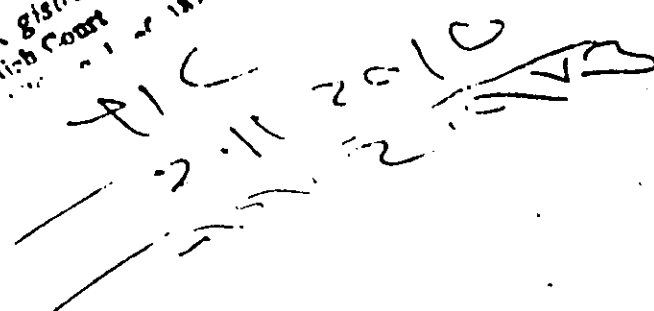
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impose heavy cost on such officers of the University for which only he would be liable to be blamed.

These writ applications are, accordingly, disposed of in the terms as per the said judgment. As a consequence whereof if any amount on the aforesaid plea has been recovered from the petitioners, the same would be refunded immediately but not later than fifteen days on production of a copy of this order before requisite Authority, the responsibility whereof would be on the Vice Chancellor and the Finance Officer of the University. It is further made clear that in pursuance to the said decision of the State, which has been set aside by this Court, the original remunerations would be restored with immediate effect.

M.E.H.

 (Navanil Prasad Singh), J

CERTIFIED TO U. NO. 1111/2010
For Jodha K. Gistrar (J) 02-11-2010
Patna High Court
1873
2.11.2010


Annexure-6

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~~2011/11/11/11/11/11~~

पत्रांक:-15/सी 2-42/11-1271
बिहार सरकार
मानव संसाधन विकास विभाग

प्रेषक,

प्रकाश चन्द्र सिंह,
सरकार के विशेष सचिव।

सेवा में,

कुल सचिव,
राज्य के सभी विश्वविद्यालय।

पटना, दिनांक..... 6/05/2011


विषय:- एम0जे0सी0 215/2011 पुरुषोत्तम प्रकाश सिंह बनाम राज्य सरकार एवं अन्य एवं सदृश्य अवमाननायादों में दिनांक 25.04.2011 को माननीय उच्च न्यायालय, पटना द्वारा पारित आदेश का अनुपालन के सम्बंध में।

महाशय,

उपर्युक्त विषयक विषयांकित अवमाननायाद में माननीय उच्च न्यायालय, पटना द्वारा दिनांक 25.04.2011 को पारित न्यायादेश की छाया प्रति संलग्न करते हुए कहना है कि माननीय उच्च न्यायालय द्वारा पारित न्यायादेश का शीघ्र अनुपालन सुनिश्चित किया जाय।

प्रसंगाधीन मामले में पूर्व में निर्गत विभागीय पत्रांक 1004 दिनांक 06.04.2011 को इस हद तक संशोधित समझा जाय।

विश्वासभाजन,


(प्रकाश चन्द्र सिंह)
सरकार के विशेष सचिव

IN THE HIGH COURT OF JUDICATURE AT PATNA

MJC No.215 of 2011

PURUSHOTTAM PRAKASH SINGH

Versus

DR. ARBIND KR. & ORS

With

MJC No.461 of 2011

SURYA DEO PRASAD SINGH

Versus

DR. RAJ DEO SINGH & ORS

With

MJC No.698 of 2011

SATISH CHANDRA PD

Versus

DR. AR. KUMAR, THE VICE CHA

With

MJC No.920 of 2011

MD. MOTIUR RAHMAN

Versus

DR. ARBIND KUMAR, THE VICE CHA

With

MJC No.971 of 2011

DR. AJAY KUMAR

Versus

DR. ARBIND KUMAR, THE VICE CHA

With

MJC No.1027 of 2011

PROF. YOGESHWAR SINGH

Versus

DR. ARBIND KUMAR, THE VICE CHA

With

MJC No.1028 of 2011

DR. SHYAM KRISHNA SINGH

Versus

DR. ARBIND KUMAR, THE VICE CHA

With

MJC No.1029 of 2011

NEEL MAL SINHA & ORS

Versus

DR. RAJENDRA MISHRA, VICE CHAN

With

MJC No.1064 of 2011

DR. KUMAR DIGJIT SINGH

Versus

DR. ARBIND KUMAR & ORS

With

MJC No.1190 of 2011

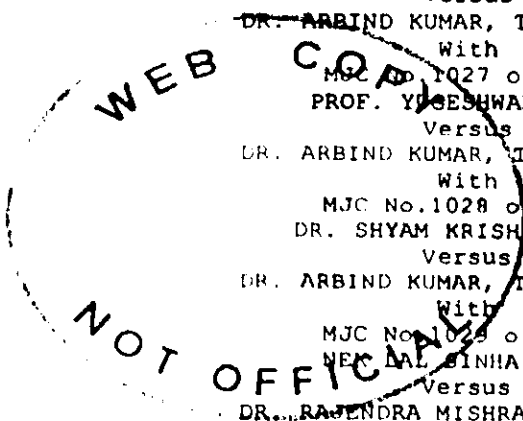
CHANDAN PD. SINGH

Versus

DR. ARBIND KUMAR, THE VICE CHA

With

MJC No.1191 of 2011



PROF. SAMIR KUMAR SINHA
 Versus
 DR. ARBIND KUMAR, THE VICE CHA
 With
 MJC No.1192 of 2011
 DR. SRIKRISHNA SINGH
 Versus
 DR. ARBIND KUMAR, THE VICE CHA
 With
 MJC No.1214 of 2011
 BIRENDRA KUMAR MISHRA
 Versus
 DR. ARBIND KUMAR, THE VICE CHA
 With
 MJC No.1302 of 2011
 RAMESH KUMAR SINHA
 Versus
 DR. ARBIND KUAMR & ORS
 With
 MJC No.1303 of 2011
 DR. PARMANAND KUMAR
 Versus
 DR. ARBIND KUMAR & ORS
 With
 MJC No.1304 of 2011
 DR. RAJHUNATH PRASAD
 Versus
 DR. ARBIND KUMAR & ORS
 With
 MJC No.1305 of 2011
 DR. JHULAN PRASAD SINGH
 Versus
 DR. ARBIND KUMAR & ORS
 With
 MJC No.1306 of 2011
 UMESH PRASAD
 Versus
 DR. ARBIND KUMAR & ORS
 With
 MJC No.1376 of 2011
 RIMAL SINGH
 Versus
 DR. ARBIND KUMAR, THE VICE CHA
 With
 MJC No.1430 of 2011
 DR. RAJESHWAR SINGH
 Versus
 DR. ARBIND KUMAR, THE VICE CHA
 With
 MJC No.1431 of 2011
 RAZI HASAN
 Versus

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DR. ARBIND KUMAR, THE VICE CHA
 With
 MJC No.1435 of 2011
 MD. ASFAQUE AHMAD
 Versus
 DR. ARBIND KUMAR, THE VICE CHA
 With
 MJC No.1461 of 2011
 OM PRAKASH NARAYAN & ORS
 Versus
 DR. ARBIND KUMAR, THE VICE CHA
 With
 MJC No.1480 of 2011
 MD. SHAMIM HYDER
 Versus
 DR. ARBIND KUMAR, THE VICE CHA
 With
 MJC No.1508 of 2011
 AKHILESHWAR PD. SINGH
 Versus
 DR. RAJ DEO SINGH VICE CHANCEL

03 25.04.2011

It is most unfortunate that even

though judgments are delivered by this Court against which no party prefers an appeal and they are allowed to attain finality, still every body in the State for enforcement of this judgment, is then required to file applications for initiating contempt, as if this Court is an executing Court. That is only because State and the University adopts a defiant attitude and disregard the judgments with impunity. These cases are clear illustrations thereof.

With effect from 1.1.1996 pay scales of teachers in Universities were revised in

respect of readers who were promoted at that time either upon merit promotion or upon time bound promotion, their pay scale was revised to minimum Rs. 14940. A condition was attached. The condition stipulated that Rs. 14,940=00 would be the minimum pay scale of Readers who had been so promoted and completed five years. Clarifications, were sought for and even U.G.C clarified that if a person was Reader for five years prior to 1.1.1996 he would get this benefit from 1.1.1996. If he had not completed five years on 1.1.1996, upon completion of the remainder period he would get the said pay scale. In all the Universities of Bihar, accordingly pay scales were fixed and acted upon and they were accordingly notified by the pay revision committees. They were approved by the Senate and they were duly notified and payment started till some intelligent person in the Secretariat hit upon an ingenious interpretations that upon completion of five years would mean five years from 1.1.1996 and accordingly he was of the view that this pay scale would at best be given only with effect from 1.1.2001. Stringent directions were

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issued by the State to the Universities to revise the pay scales accordingly, sitting over the statutory of the Pay Revision Committee and to recover immediately all amounts paid in excess. That is what brought the teachers to this Court in large number of writ petitions. This court decided the matter in favour of the teachers and struck down the decision of the State Government on 5.7.2010. Neither the Universities nor the State Government preferred any appeal against the judgment of this Court and allowed it attain finality, but when it came to implementing, the Readings are now accepted to enter into another round of litigation by way of these contempt applications with the Universities and State. Universities and State that they are ready to comply with the orders of this court provided financial arrangement is made by the State. Now after six months the State is working on the particular subject with the Universities so that it can make the arrangement. What is most regrettable is that till 2009 pay scales were duly given to the teachers. The position was disturbed only in the year 2009 when recoveries were made

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immediately. No letters directing the Universities to abide by the judgment of this court was issued the State with a further direction to restore the pay scales and refund the amount realized from the teachers. So far as restoration of the refund is concerned they could have asked the Universities to give the figures so that money would be released, but the State prefers silence and it did nothing. It only encouraged litigation State has now woken up after the orders of this Court in these proceedings, and to create further confusion it has only asked for details of those promoted Readers who relates to U.G.C norms of merit promotion whereas, every body has knowledge that the teachers are promoted to Readers either under merit scheme or under time bound scheme but financial implications remains the same. This is mischievous on part of the State.

In view of the aforesaid sad and unfortunate situation created by the State I could have normally initiated contempt proceedings, but considering the matter I direct the State to clear its bona fide by

issuance of circulars to all the Universities to restore the pay scales of the Readers as they were originally fixed and restored their salary. Accordingly the State must ensure that within one month from today all amounts deducted on this account shall be refunded and/or restored to the respective teachers. It is by this act that they would purge the contempt.

Put up this matter on 9th of May 2011, under the same heading when the State and Universities would file affidavits of compliance, which is the only way to purge the contempt.

Name: _____

(Navaniti Prasad Singh, J.)

