

IN THE HIGH COURT OF JUDICATURE AT PATNA  
Civil Writ Jurisdiction Case No.86 of 2016

- =====
1. Kanak Verma wife of Prabhat Kumar, resident of Mohalla- S/380, Lohia Nagar, Police Station Kankarbagh, District Patna
  2. Prabhat Kumar, son of Late Girish Kumar, resident of Mohalla- S/380, Lohia Nagar, Police Station Kankarbagh, District Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through Secretary, Human Resources Development Department, Bihar, Patna, New Secretariat, Patna
2. The Vice Chancellor, Patna University, Patna, Ashok Rajpath, Police Station Pirbahore, District Patna
3. The Registrar, Patna University, Patna, Ashok Raj Path, Police Station Pirbahore, District- Patna.
4. The Principal, Patna Law College, Mahendru, Police Station, Sultanganj, District Patna

... .. Respondent/s

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Service Laws—Salary/arrears of salary—petitioner were appointed as a Part Time Lecturer in Patna Law College by the order of Vice-Chancellor of the Patna University—period was for six months—after every expiry of the terms, their period were extended—petitioners discharged their duties in interregnum period—petitioners are claiming arrears of salary for the period there was no notification of their appointment as Part Time Lecturer but actually they discharged their duties as Part Time Lecturers— University issued notification by which it was decided to make payment of salary to Part Time Lecturers for the interregnum period—petitioners did not submit any bill for payment of salary of the interregnum period—during hearing of this case, this Court given liberty to the petitioners to submit their bills within a week with further direction that if such bills are submitted by the petitioners, the respondents after proper verification should consider the same in accordance with law within a period of eight weeks—petitioners submitted their bills and the payment has been made to the petitioners *i.e.* within a period of two months—petitioners have failed to make out a case for grant of interest inasmuch as firstly there is no statutory provision to grant interest on salary under the Universities Act and/or the Rules; and secondly within two months of submission of bills by petitioners the salary for the interregnum period has been paid by the University—the Interest Act is not applicable in the facts of the present case—application dismissed.

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... .. Respondent/s

Appearance :

- For the Petitioner/s : Mr. R.K. Verma, Sr. Advocate
- For the Respondent/s : Mr. Sarvesh Kumar Singh AAG-13
- For the Patna University: Mr. Manish Dhari Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA  
ORAL JUDGMENT  
Date : 01-07-2024

- 1. The writ petitioners have filed the instant writ application for a direction to the respondents to make payment of arrears of salary for the work done by them as Part Time Lecturer with up to date interest.
- 2. The brief facts of the case is that pursuant to the advertisement published by the Patna University (in short “the University”) in 1998 for appointment of Lecturers on part time



basis in the Patna Law College, the petitioners applied for the same and were appointed by the order of the Vice- Chancellor. The petitioner no. 1 along with others was appointed on 18.03.1998 and the petitioner no. 2 along with others was appointed on 03.01.2001.

3. The appointment of the petitioners was made for a period of six months but was extended from time to time and accordingly the petitioner no. 1 continued for the period in between 20.07.1999 to 11.08.2007. The petitioner no. 2 continued from 03.01.2001 to 24.02.2005 by virtue of different notifications.

4. Learned senior counsel for the petitioners submits that there was a gap after expiry of every six months period till fresh notification was issued by the University for appointment for further six months but the petitioners continued to discharge their duties as Part Time Lecturers in the gap / interregnum period. Similarly situated Part Time Lecturers, who had not been given salary for the interregnum period moved before this Court by way of filing writ application and further L.P.A. bearing L.P.A. No. 44 / 2008 was filed which was disposed by this Court by order dated 27.08.2008 directing the respondents to make payment of salary for the gap / interregnum period. In



pursuance thereof the University issued notification dated 15.01.2013 by which it was decided to make payment of salary to Part Time Lecturers for the interregnum period i.e. the period between expiry of six months and issuance of another notification for appointment for further six months. The petitioners submitted their representations in 2013 & 2014 for payment of arrears of salary.

5. Learned counsel further submits that in the order no. 6 dated 03.12.2018 passed in this case it was submitted by learned counsel for the University that the petitioners should submit their bills which would be considered after verification by the authorities upon which this Court directed that if such bills are submitted by the petitioners within a week, the respondents should consider the same after proper verification in accordance with law within a period of eight weeks thereafter.

6. The petitioners submitted their bills on 08.12.2018 and payments have been made on 06.02.2019. Accordingly, the claim of the petitioners for interest is from 20.03.2007 till the date of payment @ 20 % Per Annum.

7. On the other hand, learned counsel for the University argued that the petitioners have approached this Court after delay of eight years / eleven years respectively from the date



they lastly discharged their duties. Accordingly, this case is fit to be dismissed on the ground of delay and laches itself. The petitioners submitted their bills on 08.12.2018 for payment of the arrears of salary for the gap period and within two months payments have been made to them on 06.02.2019.

8. I have heard learned counsel for the parties and have gone through the materials on record. The petitioners are claiming arrears of salary for the period there was no notification of their appointment as Part Time Lecturer but actually they discharged their duties as Part Time Lecturers. The appointment of Part Time Lecturer was made for a period of six months in the Patna Law College. After expiry of six months period and before issuance of fresh notification re-appointing the Part Time Lecturers there was a gap for some time. The petitioners and similarly situated Part Time Lecturers however continued to render their services as Part Time Lecturers. Pursuant to the writ application / L.P.A. filed by some of the similarly situated Part Time Teachers, this Court directed the University to pay salary for the gap / interregnum period when there was no notification of appointment.

9. In the light of the direction of this Court, the Registrar of the University came out with a notification dated 15.01.2013



allowing the salary for the period the Part Time Teachers discharged their duties in the Patna Law College. In pursuance thereof, the Finance Officer of the University addressed a letter dated 01.12.2013 to the Principal, Patna Law College requesting the Part Time Teachers to submit their bills for payment of salary for the interregnum period after getting the same forwarded by the Principal to the University ( Annexure-7). The petitioners did not submit any bill for payment of salary of the interregnum period after getting forwarded the same through the Principal of the Patna Law College as per the letter of the Finance Officer dated 01.12.2013. It was during hearing of this case, this Court vide its order dated 03.12.2018 gave liberty to the petitioners to submit their bills within a week with further direction that if such bills are submitted by the petitioners, the respondents after proper verification should consider the same in accordance with law within a period of eight weeks thereafter. Admittedly, the petitioners submitted their bills on 08.12.2018 and the payment has been made to the petitioners on 06.02.2019 i.e. within a period of two months.

10. Considering the aforesaid discussions, I come to the conclusion that the petitioners have failed to make out a case for grant of interest inasmuch as firstly there is no statutory



provision to grant interest on salary under the Universities Act and / or the Rules; and secondly within two months of submission of bills by the petitioners the salary for the interregnum period has been paid by the University. The Interest Act is not applicable in the facts of the present case.

11. Accordingly, the application is dismissed.

**(Anil Kumar Sinha, J)**

praful/-AFR

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	18-07-2024
Transmission Date	NA

