

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**W.P.(S) No. 5041 of 2014**

Mrs. Manju Sinha

..... Petitioner

**Versus**

1. State of Jharkhand
2. Principal Secretary, Human Resources Development Department, Govt. of Jharkhand
3. Director, Human Resources Development Department, Govt. of Jharkhand, Ranchi
4. Vice Chancellor, Ranchi University
5. Registrar, Ranchi University, Ranchi

..... Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner : Mr. M. Kanti Roy, Adv.

For the Respondent State : Ms. Piyushita Neha Tudu, A.C. to S.C.I

For Respondent University : Mr. Anup Kumar Mehta, Adv

**13/10.09.2020** Heard learned counsel for the parties through V.C.

**2.** The instant application has been preferred for following relief:

“ (i) For issuance of an appropriate writ(s)/order(s) or a writ in the nature of mandamus directing the respondents to release and pay forthwith the admitted amount as indicated in the letter no. 58/2014 dt. 24.03.2014 issued by the Professor in-Charge of RLSY College, in reply to Ranchi University Memo No. B/18/14 dt. 09.01.14 amounting to Rs. 11,43, 137 /- considering the fact that the said amount has been calculated towards arrears of salary after releasing the annual increment to the petitioner in the light of order passed by the this Hon'ble Court in WP [S] No. 5906/13 [field by the petitioner] and WP [S ] No. 3632 / 11 [filed by the teachers of St. Xaver's College], along with interest

AND

To re-fix the salary of the petitioner after adding increment and to pay to the arrears of salary with effect from 1<sup>st</sup> January 2006, till her date of retirement ie 31<sup>st</sup> July 2009 according to the calculation given by the Professor-in-charge, RLSY College in its letter dt.24.03.14

AND

For further issuance of an appropriate writ(s)/order(s)/direction (s) as to Your Lordships may deem fit and proper in the facts and circumstances of the case and in the interest of justice.”

**3.** Learned counsel for the petitioner submits that the petitioner had earlier filed a writ application being W.P.(S) No. 5906 of 2013 for release of annual increment since Clause-12 (iii) of the resolution dated 20.11.2010 has been set aside by this court in W.P.(S) No. 3632 of 2011 and she also prayed for release of the benefit of increment given in the basic salary.

Learned counsel further submits that after the said judgment, the respondent University has asked the concerned college about the details of calculation with respect to 10 teachers from 01.1.2006 to 30.03.2010. In response to the said letter of the Ranchi University, the Professor-in-Charge of RLSY College, vide its Letter No.58/2014 dated 24.03.2014, replied to the Registrar, Ranchi University-Respondent No.5 giving the details of arrears with respect to the teachers for the period from 01.01.2006 to 30.3.2010 under the 6<sup>th</sup> UGC Pay taking into consideration the annual increment of the petitioner.

Learned counsel for the petitioner further submits that on 21.08.2014 he also sought information under the Right to Information Act from the University in respect of reply of the Professor-in-Charge of the college given to the University. Pursuant to that, the Public Information Officer, Ranchi University, Ranchi, in his reply dated 26.09.2014 had given the information which clearly transpires that the dues to be paid to the petitioner was amounting to Rs.11,43,137/- and therefore, she is entitled for the said amount along with statutory interest, if any.

**4.** A counter affidavit has been filed by the University (Respondent No. 4 and 5), from which it clearly transpires that the case of the writ petitioner was examined and upon examination of records, it was found that a sum of Rs.8,77,943/- is admissible in total towards UGC arrears for the period from 01.01.2006 to July, 2009.

**5.** Mr. A.K. Mehta, learned counsel for the University submits that the entire amount of Rs.8,77,943/-, which was admissible, has already been paid to the petitioner in the manner as stated in Paragraph 4 (i) & (ii) of the aforesaid counter affidavit.

**6.** However, a rejoinder has been filed in this case by the petitioner reiterating her stand that the petitioner has received an information under R.T.I Act that the amount due, which is to be paid to the petitioner, was more than Rs.11 lakh, whereas, she has been paid less than nine lakh.

**7.** Having heard learned counsel for the parties and after going through the materials on record, it appears that though the college where the petitioner was working has submitted a statement of arrears of 10 teachers for the period from 01.01.2006 to 30.03.2010, wherein it has been indicated that the amount due in case of the present petitioner is Rs.11,43,137/-, but from the specific assertion made by the Ranchi University in its counter affidavit, it appears that the case of the petitioner was examined and it was found upon examination of records that a sum of Rs.8,77,943/- only was admissible in total towards UGC arrears for the period from 01.01.2006 to July, 2009 and the same has been paid to the petitioner. The calculation made by the Ranchi University towards payment of UGC arrears has also been annexed as Annexure A series with its counter affidavit.

**8.** It is a settled principle of law that a writ court cannot enter into the question of fact and do the work of calculation. As such I, hereby, dispose of the writ application by giving liberty to the petitioner to represent before Respondent No. 5 with a detailed calculation; if so advised.

It goes without saying that if any such representation is filed by the petitioner; the same shall be

disposed of by a reasoned order by providing a detailed calculation within a period of three months from the date of receipt of such representation. Needless to say that if any amount is found to be payable after re-calculation, then the same shall be paid to the petitioner forthwith along with statutory interest.

9. With the aforesaid observation and direction this application is disposed of.

**(Deepak Roshan, J.)**

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