

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2277 of 2021

Dr. Raj Kumar Sah Son of Shiw Shanker Sah Resident of Village- Satwar, P.O.- Satwar, P.S.- Gautam Budh Nagar (Tarwara), District- Siwan presently working as Assistant Professor cum Junior Scientist, Veer Kunwar Singh College of Agriculture, Dumraon constituted body of Bihar Agricultural University, Sabour, Bihar, P.S.- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Vice- Chancellor, Bihar Agricultural University, Sabour, Bhagalpur. Bihar
2. The Director Administrator, Bihar Agricultural University, Sabour, Bhagalpur. Bihar
3. The Dean (A.G.), Bihar Agricultural University, Sabour, Bhagalpur. Bihar
4. The Associate Dean cum the Principal, Veer Kunwar Singh College of Agriculture, Dumraon, Buxar Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Sinha, Adv., Mr. Krishna Murari Singh, Adv.
For the University	:	Mr. Shailendra Kumar Singh, Adv.
For the State	:	Mr. Jai Prabhat Kishore, AC to SC-13

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL JUDGMENT

Date : 25-11-2024

The petitioner was posted as Assistant Professor-cum-Junior Scientist, Veer Kunwar Singh College of Agriculture, Dumraon, Buxar. After his joining, the petitioner was directed to submit an application for allotment of a Quarter in his name vide letter dated 2nd January, 2019. In pursuant to the said letter, the petitioner submitted an application to the Associate Dean-cum-Principal of the said College, wherein he stated that he might be



transferred from the aforesaid College to B.V.C., Patna as per BASU Act, 2016 and requested the Associate Dean-cum-Principal to wait for sometime for his rehabilitation by allotment of a Quarter. However, the Associate-Dean-cum-Principal of the said College, who is arrayed as respondent no. 4 in the instant writ petition, allotted Quarter No. 206 in the name of the petitioner and directed him that the House Rent Allowance be not paid to him from the month of October, 2019. The petitioner subsequently made an application on 5th February, 2019 before the respondent no. 4, requesting him to pay his deducted H.R.A. on the ground that the petitioner never prayed for allotment of Quarter or that he was not in occupation of the Quarter, which was allotted to him. Subsequently, he also filed another petition on 10th April, 2019, on the basis of relevant Rules and Regulations of ***Bihar Agricultural University Residential Accommodation Regulation, 2017*** for disbursement of House Rent Allowance to him. After receiving the said letter, the House Allotment Committee deliberated the issue, but the Committee has not recommended for payment of house rent to the petitioner for two years from the date of allotment of Quarter.

2. The petitioner contended that he was not allotted with any earmarked Quarter and, therefore, Rule 6.7 of the ***Bihar***



Agricultural University Residential Accommodation Regulation, 2017 is not attracted against the petitioner. After series of transaction being made over the issue, the petitioner was informed vide letter dated 13th August, 2019 by the Bihar Agricultural University, Sabour, Bhagalpur, wherein it was stated that the allottee, who refuses residential accommodation offered to him/her shall be debarred from two years from the date of allotment and no fresh application for allotment or residential accommodation shall be entitled from him/her from the lapse of two years from the date of the original allotment. Once allotment is made, the person concerned is no longer entitled to H.R.A., if he/she refuses to accept the allotted till such time, as that accommodation is allotted and occupied by someone else, no H.R.A. can be paid to him/her. Thus, the person, who refuses official accommodation will not be entitled to H.R.A. for the period during which he/she did not occupy the Quarter and it was kept vacant.

3. This prompted the petitioner to submit a representation before the Chancellor, Government of Bihar, requesting him to look into the matter regarding payment of H.R.A. After such representation being made, the Associate Dean-cum-Principal, Veer Kunwar Singh College of Agricultural, Dumraon passed an order on 18th September, 2020 and cancelled



the allotment of Quarter No. 206, Type-IV, dated 5th January, 2019 and order to add the deducted H.R.A. of the petitioner in the salary of September, 2020.

4. It is the grievance of the petitioner that since petitioner never accepted allotment of Quarter No. 206 and he never resided there, he is entitled to House Rent Allowance from the very beginning i.e. on or from 5th January, 2019.

5. It is submitted on behalf of the University by filing a counter affidavit that an Associate Professor of the University is not entitled to House Rent Allowance, when a Government accommodation is allotted to him. After allotment he cannot say that he would not stay in the Government Quarter and on the contrary, he would be paid House Rent Allowance.

6. Having heard the learned counsels for the parties and on careful perusal of the entire materials on record, it is ascertained that the Quarter was allotted to the petitioner vide letter No. 1539, dated 2nd January, 2019. It is also not disputed that the petitioner never occupied the Quarter. Initially the Agricultural University and Agricultural College, where of the view that the petitioner is not entitled to get house Rent Allowance after allotment of a quarter, but subsequently the respondent Authorities decided in favour of the petitioner and debited the House Rent



Allowance which was deducted, during the period from 1st January, 2019 to 12th August, 2019 in favour of the petitioner. Thus, the respondents at the same time cannot approbate and reprobate. On one hand, it is the contention of the respondents that petitioner is not entitled to House Rent Allowance. On the other hand, the House Rent Allowance was granted to the petitioner till 12th August, 2019.

7. The self-contradictory Act on the part of the respondents allowed the petitioner to have the House Rent Allowance for non-occupation of the Quarter allotted to him vide order dated 2nd January, 2019.

8. The respondent nos. 2, 3 and 4 are specifically directed to make payment of the additional money due towards House Rent Allowance to the petitioner within three months from the date of this order.

9. Accordingly, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

pravinkumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	
Transmission Date	

