

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19526 of 2010

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Prof.Bharat Prasad Sharma S/O Late Taneshwar Prasad Sharma R/O Flat
No.11, D.S.College Campus, P.S.& Distt-Katihar

.... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Human Resources Development Department Government of Bihar, Patna
2. The Director, Higher Education Human Resources Development Department Government of Bihar, Patna
3. The B.N.Mandal University Madhepura through Its Registrar
4. The Vice-Chancellor, B.N.Mandal University Madhepura
5. The Registrar, B.N.Mandal University Madhepura
6. The Finance Officer, B.N.Mandal University Madhepura
7. The L.N.Mithila University, Darbhanga through Its Registrar
8. The Principal , D.S.College Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh, Advocate.

For the State : Mr. Arjun Prasad, AC to Sc. 24

For the LNM Uni. : Mrs. Binita Singh, Advocate.

For B N Mandal Uni. : Mr. Manish Dhari Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

10 08-05-2015

Heard learned counsel for the parties.

2. At the end of the day, after a period of almost five years, woes of the petitioner as with regard to payment of retirement benefits comes to an end inasmuch as now learned counsel for the petitioner submits that all the retirement benefits payable to the petitioner has been paid.

3. He, however, submits that there is a short payment in the leave encashment and to that extent he has sought to highlight that the leave encashment has been paid to the petitioner

only for the period of 87 days whereas from the service book of the petitioner, it would appear that 199 days leave were to the credit of the petitioner, but even then he was paid leave encashment for 136 days in the old pay scale and for 87 days in the revised pay scale.

4. This Court has carefully gone into the entries made in the service book and would find that such service book maintained by the authorities of the college is absolutely against the provisions of Bihar Service Code defining earned leave. A person may be deputed on examination duty and, therefore, he may be entitled for a compensatory leave on or off but that cannot be called to be earned leave. This Court, therefore, would find that when a Team of the Government auditors have themselves fixed the payment of amount of earned leave after looking into the service book of the petitioner by the Government auditors, that should be end of the matter.

This writ application is, accordingly, disposed of as it has now become infructuous on account of payment of all admissible retirement benefits payable to the petitioner.

(Mihir Kumar Jha, J)

Sujit/-

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