

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.389 of 2008
IN
Civil Writ Jurisdiction Case No. 8014 of 2003**

Anant Mohan Jha, S/o Late Rash Mohan Jha, resident of village-Jehanpur,
P.S.Jokihat, District-Arariya

.... Appellant/s

Versus

- 1.The B.N.Mandal University , Madhepura through its Registrar
2. The Vice-Chancellor, B.N.Mandal University, Madhepura
3. The Registrar, B.N. Mandal University, Lalu Nagar, Madhepura
4. The L.N. Mithila University, Darbhanga through its Registrar
5. The Vice Chancellor, L.N. Mithila University, Darbhanga.
6. The Registrar, L. N. Mithila University, Darbhanga
7. The Principal, Arariya College, Araria.
8. The Commissioner-cum-Secretary, Department of High Education(now known as the Department of Human Resources Development), Government of Bihar, New Secretariat, Patna.
9. The Director, Higher Education Department, Government of Bihar, New Secretariat, Patna.
- 10 The Commissioner-cum-Secretary Department of Finance, Government of Bihar, Old Secretariat, Patna.

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Purushottam Kr.Jha

For the Respondent/s : Mr. Shashi Bhushan

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 05-05-2015

The appellant is the petitioner in C.W.J.C.No. 8014 of 2003.

He retired from the post of Reader in Economics from Ara College at

Ara, which happens to be the constituent Collage of B. N. Mandal



University, Madhepura. He was extended the retirement benefits. However, his grievance is that though he joined the service of the Institution on 18-7-1973, his qualifying service was calculated only from 15-11-1975, and as regards some other aspects, they are calculation errors. The University opposed the writ petition. It was pleaded that the retirement benefits were extended to the petitioner, as per his entitlement and nothing is due to him.

2. The learned single Judge dealt with the matter on three sub-heads. The first was about the non-accuracy of the calculation chart. As regards that, the University was directed to verify from the records as to whether the two amounts, namely, Rs.24,475/- and Rs. 13,638/- were paid to the petitioner, and if it emerged that the amounts were not paid, steps shall be taken to rectify the mistake.

3. The second bone of contention was about the date from which the qualifying service of the petitioner shall be reckoned. While according to the appellant, it is 18-7-1973, as per the University, it is 15-11-1975. On this aspect, it was left open to him to make a representation, together with evidence in support of his plea and direct the University to decide the matter. We are not immediately concerned with the third one

4. Learned counsel for the appellant submits that the direction as to the rectification of error was not undertaken by the

University so far. It is also represented that the University itself appointed a Three-Man Committee to look into the issue appertaining to qualifying service, and though the Committee accepted this claim, the Vice-Chancellor has not taken any decision so far. This is not disputed by the learned counsel for the University.

5. In this scenario, we allow this appeal, directing that(a) the Vice-Chancellor of the University shall take final decision, based upon the report said to have been submitted by the Three-Man Committee as regards the qualifying service of the petitioner within a period of three months from today; (b) the petitioner shall be entitled to submit a representation as regards the accuracy of the calculation; and (c) the order as regards that, shall be passed within the same time i.e., three months.

B.KRoy/-

(L. Narasimha Reddy,CJ)

(Sudhir Singh, J)

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