

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 773 of 2014

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Arti Seth, W/o Late Surendra Seth Village- Singhiya Ghat, P.S.- Bibhutipur,
District- Samastipur.

.... Petitioner/s

Versus

1. Lalit Narayan Mithila University through its Registrar, Darbhanga, Town & District- Darbhanga.
2. The Vice-Chancellor, L.N.M. University, Darbhanga.
3. The Registrar L.N.M. University, Darbhanga.
4. Dr. Meghan Prasad S/o not known, the Principal Diwan Bahadur Kameshwar Narayan College, Narhan, District- Samastipur.
5. The Principal, Diwan Bahadur Kameshwar Narayan College, Narhan, District- Sitamarhi.
6. The District Provident Fund Officer, Samastipur.
7. The Principal Secretary, HRD, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Madan Prasad Singh No. 2, Adv. Mr. Dharmendra Kumar Raju, Adv.
For the L.N.M. University	:	Mr. Ajay Bihari Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 10-11-2015

Heard learned counsel for the parties.

Pursuant to order dated 02.11.2015, the respondent no. 4 is present along with his show cause and supplementary counter affidavit has also been filed on behalf of respondents no. 1 to 3.

The respondent no. 4 tenders unconditional apology and though he had stated falsehood before the Court which was proved by his statement made to the Court orally and the official letter written by him, still in view of the unconditional apology, the Court, by way of indulgence does not propose to proceed against him in the matter. Accordingly, the issue stands consigned.



Learned counsel for the University submits that the amount sent by the University to the College is not being paid to the petitioner due to non cooperation shown by the present respondent no. 5. He submits that even after the Registrar of the University informing the respondent no. 5 to send appropriate instructions, the same has not been sent. The Court finds such conduct of the respondent no. 5 to be contemptuous as it has resulted in lack of assistance to the Court causing impediment in a judicial proceeding and also preventing the petitioner from getting the legal dues which has already been transmitted by the University to the College.

Accordingly, the Court directs the respondents no. 2 and 3 to take appropriate action against the respondent no. 5 for such conduct. The Court would like to indicate that such action should not be by way of a mere formality.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the writ petition stands disposed off with a direction to respondents no. 3 and 5 to ensure that the amount sent by the University to the College for payment on account of arrears of salary is paid to her within four weeks from the date of production of a copy of this order before the respondents no. 3 and 5. The same shall also carry simple interest @ 9% per annum from the date the amount was received in the College till the date of actual payment. The University shall recover the amount of interest from the person on whom the University shall fix responsibility for such delayed

payment. With regard to Provident Fund, the petitioner shall appear before the respondent no. 5 and complete the formalities by signing the final withdrawal form within the same period. Thereafter, it shall be the responsibility of the respondent no. 5 to ensure that the papers are duly forwarded to the Bank concerned within the next one week. The respondent no. 3 shall also ensure that the payment of Group Insurance is made to the petitioner by taking up the matter with the Life Insurance Corporation of India.

The Court also gives liberty to the petitioner to represent before the respondent no. 3, if she finds any discrepancy in the calculation or if anything else remains unpaid to her. If such a representation is filed within four weeks from today along with a copy of this order, the same shall be considered by the concerned respondent within four weeks from filing of the representation and if further payment is required to be made to the petitioner, the same shall also be paid to her within the next three weeks.

(Ahsanuddin Amanullah, J.)

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