

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24342 of 2013

Dr. Shyam Jha Son Of Late Dukhmochan Jha Resident Of Village- Prasad, Post Office- Banki, P.S.- Madhepur, District- Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Higher Education, Bihar, Patna
2. The L.N. Mithila University, Darbhanga Through Its Vice-Chancellor
3. The Vice Chancellor, L.N. Mithila University, Kameshwar Nagar, Darbhanga
4. The Registrar, L.N. Mithila University, Kameshwar Nagar, Darbhanga
5. The Finance Officer, L.N. Mithila University, Kameshwar Nagar, Darbhanga
6. The Principal, H.P.S. College, Madhepur, Madhubani

.... Respondent/s

Appearance :

For the Petitioner/s : Mr.
For the University : Mr. Santosh Kumar Jha, Adv.
For the State : Md. Kamil Aktar, AC to AAG-9

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 07-12-2015

Nobody appears on behalf of the petitioner. Learned counsel for the State and University are present.

The only controversy remaining in the present writ application is whether the petitioner is entitled to payment of earned leave taking into account the period which he claims to have been on duty.

Learned counsel for the University submits that due to strike period certain dues of earned leave was reduced and the petitioner upon superannuation has produced a letter of the Principal stating that he had engaged extra classes. It is submitted that besides the same

having been issued without any memo number, the matter has been decided by a co-ordinate Bench of this Court by order dated 18.11.2013, passed in C.W.J.C. No. 6241 of 2013 and analogous cases by which it has been specifically held that for such period earned leave will not accrue to any teacher as a matter of course unless clear attendance not only of the teachers but also of students participating in such classes is established for which there must be unimpeachable evidence as to when those extra classes were held. The Court has further prohibited paying of such dues till such evidence is produced by the teacher.

The said fact and the order have been brought on record in the supplementary counter affidavit filed on behalf of respondents no. 2 to 5, copy of which has been served on learned counsel for the petitioner on 13.01.2015.

In view of the aforementioned position as well as the fact that neither anybody appears to press the writ petition nor there is any rejoinder to the supplementary counter affidavit, the Court can only presume that the petitioner has lost interest in the matter.

Accordingly, the writ petition stands disposed off.

(Ahsanuddin Amanullah, J.)

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