

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6045 of 2015

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Ramashish Prasad. Son of Late Sita Mahto. Resident of Kasmiria, P.O.-
Mohiuddinpur via Fathua, at present residing at Nalanda Colony East of
Bazaar Samiti, Bihar Sarif (Nalanda).

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of
Human Resources Development Department (Deptt. of Education), New
Secretariat, Patna.
2. The Director, Higher Education, Deptt. of Education, Govt. of Bihar,
Patna.
3. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna.
4. The Magadh University, Bodh Gaya through the Registrar.
5. The Vice-Chancellor, Magadh University, Bodh Gaya.
6. The Finance Officer/Finance Controller, Magadh University, Bodh Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sujeet Kumar Sinha, Adv
For the Respondent/s : Mr. S.K. Sharma- GA1

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 07-07-2015 Heard learned counsel for the parties.

While this writ application shall also be governed
by the order passed i.e. 07.07.2015 today in C.W.J.C
No. 5940 of 2015 and its analogous cases (Awadh
Narayan Singh & Ors vs the State of Bihar and Anrs) as
with regard to payment of interest on the head of
provident fund, the rest of the grievance of the
petitioner, who has retired way back in the year 2002
and though has also been paid the amount of leave
encashment of the period of 74 days, he shall still be

entitled for leave encashment for further period of 68 days, is wholly stale claim. The petitioner in fact having received the amount of leave encashment in the year 2004, could not have raised this grievance, in this writ application, which has been filed on 16.04.2015.

The next grievance of the petitioner that whatever amount was paid to him on the head of leave encashment for 75 days was in the unrevised pay scale and now the petitioner will become entitled for further leave encashment in the revised pay scale, will again be a question of entitlement. That cannot be said to be admitted due.

That being so, this Court would direct the Registrar of the Magadh University to examine the rest of the claim of the petitioner of leave encashment and take a decision for its payment in accordance with law.

With the aforesaid observations and directions this application is disposed of.

(Mihir Kumar Jha, J)

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