

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11980 of 2008

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Nagendra Nath Tiwary, son of late Rameshwar Nath Tiwary, resident of town Bettiah Matrichaya Basant Vihar, P.S. Bettiah, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Higher Education, Bihar, Patna.
2. The Vice Chancellor, Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur.
3. The Chairman, Railway Recruitment Board, Patna, Mahendru.
4. The General Manager (Planning) State Bank of India, Local Head Office, Mahendru Ghat, Patna.
5. The Registrar, Babasaheb Bhimrao Ambedkar, Bihar University, Muzaffarpur.
6. The Finance Officer, Baba Saheb Bhimrao Ambedkar University, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uma Kant Shukla, Advocate
		Mr. Shakti Suman Kumar, Advocate
For the respondent no.1 :		Mr. Alok Kumar, Advocate
For the Respondent-Unv. :		Mr. Mrigank Mauli, Advocate
For the respondent No.3 :		Mr. Bijoy Kumar Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 09-04-2015

The petitioner retired as Professor from Baba Saheb Bhim Rao Ambedkar, Bihar University in the year 1992. He filed this writ petition complaining that the retirement benefits have not been extended to him, properly.

On behalf of the University, a counter affidavit is filed stating that the petitioner was on foreign service in the form of Chairman, Railway Recruitment Board, Patna and the Chairman, Banking Service Recruitment Board, and no contributions whatever were made to his provident fund account, during that period. It is

stated that the University was compelled to pay that amount and after deducting certain amount which is recoverable from the petitioner, the rest of the amount has been released.

Heard Sri Umakant Shukla, learned counsel for the petitioner, Sri Alok Kumar, learned counsel for the respondent-State, Sri Mrigank Mauli, learned counsel for the respondent-University and Sri Bijoy Kumar Sinha, learned counsel for the respondent no.3.

The petitioner was no doubt employed in the University, but he searched for green avenues and worked as Chairman of the prestigious organizations, namely Railway Recruitment Board and the Banking Service Recruitment Board. In his anxiety, he did not even verify as to whether the provident fund amount would be paid by those employers for the relevant period. Naturally, when he came back to the University Service, it emerged that his provident fund contribution was made by the University even while he was on foreign service.

Under these circumstances, it cannot be said that there was any illegality committed by the University. Even the Railway Recruitment Board stated that there was no condition to the effect that provident fund contribution shall be paid for the services rendered by the petitioner. All the same, the petitioner can pursue

the remedy, if the conditions of his service in that organization, provide for payment of provident fund.

Hence this writ petition is disposed of leaving it open to the petitioner to pursue the remedy vis-à-vis Railway Recruitment Board or the Banking Service Recruitment Board, if it was otherwise permissible in law.

Interlocutory applications, if any, shall stand disposed of. There shall be no order as to costs.

(L. Narasimha Reddy, CJ)

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