

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9482 of 2014

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1. Moti Lal son of Late Harihar Saw resident of Mohalla - Dip Nagar Colony, road No. 5 (East Side) Police Station - Mahadiganj, District - Patna.

.... Petitioner/s

Versus

1. The Vice Chancellor, Magadh University, Bodh Gaya.
2. The Registrar, Magadh University, Bodh Gaya.
3. The Finance Officer, Magadh University, Bodh Gaya.
4. The Auditor, Magadh University, Bodh Gaya.
5. The Principal, College of Commerce, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra

For the Respondent/s : Mr. Vipin Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 17-05-2016

The only issue which has been agitated by the petitioner in the present writ application is payment of earned leave for 300 days. Petitioner does accept that earlier a sum of Rs.1,40,516/- has already been paid to him. However, according to him, the same does not add up to 300 days. When nothing came to be done by the University on this count, the writ application was filed.

A counter affidavit has been filed today on behalf of the University. They indicate that payment has already been made on the basis of available material but after the writ application was filed, the final position has been re-looked into and the total number of days of earned leave on the account of the petitioner works out to only 262

days. Therefore, there may not be an occasion for making payment of earned leave for 300 days. It is also indicated in the counter affidavit that appropriate notification or order after approval of the Vice Chancellor is in pipeline.

In view of the above, no direction or mandamus can issue for payment of 300 days of earned leave. However, if the notification is issued and communicated to the petitioner, he may either accept or take appropriate steps in this regard.

Writ is disposed of with the above observation.

(Ajay Kumar Tripathi, J)

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CAV DATE	
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