

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19549 of 2014

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Md. Idris Ansari, Son of late Md. Abdullah Ansari, R/o Village - Kanharia,
P.S. Dagarwa, District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Development Department, Government of Bihar, Patna.
2. The Director Higher Secondary Education, Human Resource Department, Government of Bihar, Patna.
3. The Registrar of Lalit Narayan Mithila University, Darbhanga.
4. The Vice Chancellor of L.N.M.U., Darbhanga.
5. The Vice Chancellor of B.N.Mandal University, Lalu Nagar Madhepur.
6. The Registrar of B.N. Mandal University, Lalu Nagar, Madhepura.
7. The Principal of Nehru College, Shafquat Nagar, Bahadurganj, Kishanganj.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Helal Ahmad, Adv.
For the Respondent nos.1&2	:	Mr. Apurva Kumar, AC to GA-11
For the Respondent nos.3&4	:	Mrs. Binita Singh, Adv.
For the Respondent nos.5&6	:	Mr.Raju Giri, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 11-05-2016 Heard the parties.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India for issuance of a direction to the respondents concerned for payment of his all surviving retiral claims, which have been enumerated in paragraph 1 of the writ petition.

Learned counsel appearing on behalf of the petitioner submits that the petitioner superannuated from service from the post of Head Clerk of Nehru College, Shafquat Nagar, Bahadurganj, Kishanganj on 31.07.2012 and he represented his claims before the authorities concerned. He further submits that, in the present case, a counter affidavit has been filed on behalf of the



respondent nos.2 to 4 wherein it has been stated in paragraph 6 that lawful retiral dues of the petitioner has been calculated and he is found entitled to the amount of Rs.11,75,965/-, but, despite the aforesaid calculation, payment has not been made to the petitioner on the ground that sufficient funds have not been released by the State Government in favour of the respondent University. He invites attention of this Court towards averments made in paragraph 7 of the aforesaid counter affidavit wherein it has been stated that as soon as the fund is released by the State government the lawful dues shall be paid to the petitioner and other similar employees.

In the present case, a separate counter affidavit has been filed on behalf of the respondent nos.1 and 2 wherein it has been stated in paragraph 9 that sufficient funds have been released by the State government in favour of the respondent University for payment to its employees towards arrears of pension, post-retiral benefits and arrears of salary etc.

Learned counsel appearing on behalf of the respondent B.N.Mandal University has fairly submitted that, in view of the assertion made in the aforesaid counter affidavit filed on behalf of the State Government, now the petitioner should appear before the respondent Registrar of B.N.Mandal University and whereafter his entire lawful dues, as per calculation chart, which has been annexed as Annexure-B to the counter affidavit, shall be paid to him within a period of two months.

Learned counsel appearing on behalf of the respondent L.N.Mithila University submits that all the surviving claims of the writ petitioner have already been paid.

The submission made on behalf of the L.N.Mithila

University is not being disputed by the learned counsel for the petitioner.

In above view of the matter, the petitioner is directed to appear before the respondent Registrar of B.N. Mandal University, Laloo Nagar, Madhepura within a period of one month from today with a certified copy of the present order, whereafter the respondent Registrar of the University shall pay his lawful dues, as per calculation made by the University, which has been noticed above, within a maximum period of two months from the date of appearance of the petitioner before the respondent Registrar of the University.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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