

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8374 of 2016

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Bindeshwar Roy, Son of Late Alakhdeo Rai, resident of Mohalla- Dharani Patti,
P.S.- Patory, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through Commissioner-cum-Secretary, Human Resources Department (Higher Education) Govt. of Bihar, Patna.
2. The Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga through it's Registrar.
3. The Vice Chancellor, L.N. Mithila University, Kameshwar Nagar Darbhanga.
4. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The Principal G.M.R.D. College Mohanpur, Via- Baghra, District- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar, Advocate
For the State	:	Mr. Prabhakar Jha, G.P. 27
For the L.N.M. University	:	Mr. Ajay Behari Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 17-11-2017

Learned counsel for the petitioner; State and L. N.

Mithila University have assisted the Court.

2. From the pleadings, it appears that counter affidavit has been filed on behalf of the State on 16.09.2016 but without service of copy of learned counsel for the L. N. Mithila University. The Court need not reiterate the fact that in law the parties are required and obliged to exchange their pleadings. Moreover, daily in the cause list a notice is printed to this effect. The same not having been done, the Court has no hesitation to award cost of Rs. 5,000/- to the State for such conduct. At this juncture, Mr.



Shankar Kumar Thakur, learned A.C. to G.P. 27 submitted that this is the first time from his office that such thing has occurred for which he seeks apology and assures that in future the same shall not be happen. In view of the apology tendered, by way of last indulgence, the award of cost is withdrawn, for the present.

3. From the counter affidavit, of the University, it appears that various figures have been given with regard to the admitted dues of the petitioner which is not disputed by learned counsel for the petitioner. However, the stand is that due to paucity of fund, the same have not been paid as would be paid upon receipt of fund from the State Government.

4. In the counter affidavit filed on behalf of the State, the stand is that sufficient money has been sent to the University for making payment of post retiral dues.

5. Be that as it may, as the petitioner has superannuated while working under the L. N. Mithila University, it is the duty of the University to ensure payment.

6. Further, the stand with regard to encashment of unutilized earned leave is that the same has been calculated and shall be paid immediately on receipt of the fund. However, learned counsel for the University has submitted before the Court that within two days the calculation shall be made.



7. Having regard to the aforesaid, the writ petition stands disposed off with a direction to the respondents no. 2 to 4 to ensure that the remaining dues of the petitioner is paid to him latest within four weeks from the receipt of a copy of this order by them.

(Ahsanuddin Amanullah, J.)

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