

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2831 of 2006

=====

Jahnabi Mukherjee, wife of Sri Nikhilanand Mukherjee, resident of Bengali Tola,
P.O. & P.S. Samatiur, District-Samastipur.

.... Petitioner/s

Versus

1. The L. N. Mithla University, Darbhanga through Shri Mishri Lal Thakur, father's name not known to the petitioner Vice-Chancellor, Kameshwar Nagar, Darbhanga.
2. Shri Mishri Lal Thakur, Vice-Chancellor, L. N. Mithila University, Kameshwar Nagar, Darbhanga.
3. Sri Kumaresh Prasad Singh, father's name not known to the petitioner, Registrar, L. N. Mithila University, Kameshwar Nagar, Darbhanga.
4. Shri Ashok Kumar Karn, father's name not known to the petitioner, Finance Officer, L. N. Mithila University, Kameshwar Nagar, Darbhanga.
5. Shri Raj Kishore Prasad, father's name not known to the petitioner; Professor-in-charge, Womens' College, Samastipur Town, P.S. & District-Samastipur.
6. The State of Bihar.
7. Rameshwar Prasad, Auditor.
8. Surendra Kumar Pandey, Auditor.
9. Sanjay Kumar Srivastava, Auditor.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : None

For the Respondent/s : Ms. Archana Palkar Khopde, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 07-04-2017

Complaining disobedience and breach of an order passed on 23rd of March, 2006 in CWJC No.3438 of 2000, this application has been filed for initiating action for contempt. The learned Writ Court allowed the writ petition and directed that treating the petitioner to have been appointed as Lecturer on permanent post with effect from 08.01.1982, all consequential benefits of arrears of pay and re-fixation be undertaken and the same



be granted to her. *Inter alia* contending that the aforesaid benefit was not granted, the application was filed and a claim was made for payment of more than Rs.13,00,000/-.

The respondents have filed a counter affidavit and have brought on record the order dated 29.08.2009 and point out that after calculation, the petitioner is entitled to a sum of Rs.6,27,709/- as pre retiral benefit and sum of Rs.2,92,340/- as post retiral benefits. The amount is said to have been disbursed to the petitioner after deduction of tax as is evident from the cheque issued to the petitioner available at page 69 of the paper book. However, as it was some dispute with regard to payment being made for the entire period from 1982, the matter was kept pending and we are now informed that on 08.12.2011, the Letters Patent Appeal filed by the State Government being L.P.A. No.902 of 2010 has been decided and the original order passed by the writ petition has been modified to the extent that the petitioner is treated to have been appointed as a Lecturer in Music only with effect from 10.10.1996 and not from 1982. The order passed by the Writ Court has been modified by the learned Writ Court in LPA No.902 of 2010 and now according to Mrs. Archana Palkar Khopde, learned counsel appearing for the respondents, nothing further remains to be paid. There is no rebuttal to the aforesaid and, therefore, now taking note of the counter



affidavit filed by the respondents, there is no reason in keeping the matter pending. The application is disposed of.

In case, the grievance of the petitioner with regard to quantification of the amount and the payment of the dues still remains, liberty shall be available to the petitioner to claim the same before the appropriate forum in accordance with law.

(Rajendra Menon, CJ)

Sunil/-

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
Uploading Date	10.04.2017
Transmission Date	

