

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5388 of 2016

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Kaushalya Devi Wife of Late Ashrarfi Das, resident of village- Mohanpur, P.S.-
Samastipur Muffasil, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Education,
Government of Bihar, Patna
2. The Director Higher Education, Government of Bihar, Patna
3. The Vice Chancellor, Patna University
4. The Registrar, Patna University
5. The Principal College of Arts & Craft, Patna
6. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Bharti, Adv.
For the Respondent/s : Mr. GP7- D.K. PRASAD
For AG : Mr. Raghwanand, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 01-11-2017

Heard learned counsel for the petitioner, State as well as
counsel for the Accountant General.

It appears that in the instant case the State authorities are
passing responsibility on the University, whereas the University said
that State is liable, as the petitioner is not the employee of the
University, but an employee of the State. The attitude of the
respondent is of shifting the responsibility on the shoulder of other



offices and authority. The widow cannot be compelled to face the ordeal of litigation, filing representation and moving before one or the other authorities for infinity. Whether the husband of the petitioner was employee of the University or the State Government, in either eventuality the State was obliged to ensure payment of terminal dues.

Under the compelling circumstances when University is shifting burden on the State and the State is passing responsibility on the University, it would be appropriate to direct the Director, Higher Education, State of Bihar to convene a meeting of the officials of the University namely, the Registrar of the Patna University and the Finance Officers of the Patna University in his chamber within a period of two weeks from the date of receipt/production of a copy of this order to finalise the claim of petitioner. It shall be the responsibility of the Director Higher Education to see that the entire terminal dues admissible to the petitioner is paid to her expeditiously preferably within a period of two months from the date of receipt/production of a copy of this order. It is made clear that the Director Higher Education is under obligation to ensure payment within the aforesaid period, failing which the petitioner would be entitled to payment of 9% interest from the date of accrual of terminal dues to the date of actual payment and the interest of delayed payment would be recovered from the pocket of the erring officer(s) which the



Director Higher Education would identify and fix responsibility.

With the aforesaid observation, the application stands disposed of.

(Anil Kumar Upadhyay, J)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06/11/2017
Transmission Date	NA

