

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4124 of 2016

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Dr. Sushila Rani Biswas Wife of Dr. Kameshwar Prasad resident of Mohalla
- New Colony, Ward No. 9, P.S. Saharsa, District - Saharsa

.... Petitioner

Versus

1. B. N. Mandal University, Lalu Nagar, Madhepura, through of its Registrar
2. Vice Chancellor, B. N. Mandal University, Lalu Nagar, Madhepura
3. Registrar, B. N. Mandal University, Lalu Nagar, Madhepura
4. The Financial advisor, B. N. Mandal University, Lalu Nagar, Madhepura
5. The Finance officer, B. N. Mandal University, Lalu Nagar, Madhepura
6. The Pension Officer, B. N. Mandal University, Lalu Nagar, Madhepura
7. State of Bihar through the Chief Secretary Government of Bihar, Patna
8. Principal Secretary Department of Human resources Government of Bihar, Patna
9. Director, Human Resource Development Department, Government of Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

5 14-12-2017 Heard learned counsel for the petitioner; State and B. N. Mandal University.

2. In view of the materials on record, the Court is satisfied that all the admitted dues of the petitioner have been paid.

3. With regard to the payment of cost, learned counsel for the B. N. Mandal University submitted that financial powers are exercised by the Registrar of the University and the In-charge Registrar does not have such power. It was, thus, submitted that within two weeks of the full fledged Registrar joining, the cost would be deposited.



4. At this stage, learned counsel for the petitioner referred to two decisions of the Hon'ble Supreme Court in the case of **S.K. Dua v. State of Haryana** reported as **AIR 2008 SC 1077** and **State of Uttar Pradesh v. Dhirendra Pal Singh** reported as **AIR 2016 SC 5239**, to canvass with regard to interest being awarded to the petitioner on the delayed payment. It has been submitted that the payment was made after almost four years of superannuation.

5. Having considered the matter, the Court in normal circumstance may be persuaded to award cost. However, in view of the fact that the petitioner is getting her pension and that payment of almost Rs. 32,00,000/- have been made by way of retrial dues, the same being a substantial amount, in public interest, as ultimately the money comes from the public exchequer and the petitioner having sufficient funds in her account, in the opinion of the Court, it is not a fit case where interest is required to be awarded.

6. Accordingly, the writ petition stands disposed off.

(Ahsanuddin Amanullah, J)

Ajay Gupta/-

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