

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14986 of 2016

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Prof. (Dr.) Shailendra Kumar Singh Son of Late Tej Pratap Singh Resident of village/Mohalla-Sector-7, Block-8, H.I.G. Flat No. 11, HF- 8/11, Bahadurpur Housing Colony, P.S.-Agam Kuan, District-Patna

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development, Department Govt. of Bihar, Patna.
2. Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. Principal Secretary, Finance Department, Govt.of Bihar, Patna
4. Chancellor, Universities of Bihar (J.P. University as Well as Magadh University)
5. Vice Chancellor, Magadh University, Bodh Gaya
6. The Vice Chancellor, J.P. University, Chapra
7. Registrar, Magadh University, Bodh Gaya
8. Registrar, J.P. University, Chapra.
9. The Accountant General,Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad, Sr. Advocate
Mr. Ritesh Kumar, Advocate

For the State : Mr. Madav Prasad Yadav-GP23
Mr. Meera Singh, AC to GP-23

For Raj Bhawan : Mr. Rajendra Kumar Giri, Advocate

For Magadh University : Mr. Vipin Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 12-01-2017

So far claim of the petitioner for issuance of a direction to the respondents to pay salary of the post of Pro-Vice Chancellor of J.P. University for the period 01.03.2013 till 19.08.2013 is concerned, the same relates to roster assigned to a



different Bench.

2. When this fact was brought to the notice of the learned Senior counsel for the petitioner, he submitted that he would not be pressing the said relief in the present application, but he may be permitted to file another application for the said relief before this Court.

3. Leave is granted.

4. The other prayer of the petitioner is for issuance of a writ of *mandamus* to the respondents to pay his post retiral dues, namely, gratuity, leave encashment, group insurance, etc.

5. The petitioner was initially appointed as Lecturer in Magadh University and in due course, he was promoted to the post of Reader and was further promoted to the post of Professor with effect from 10th May, 1993. He retired on 30th November, 2015 on attaining the age of superannuation.

6. The contention of the petitioner in the writ petition is that though no legal or departmental proceeding was initiated against him while he was in service, the post retiral dues under different heads have not been paid to him by the respondents till date.

7. A counter-affidavit has been filed on behalf of the respondent Magadh University wherein it has been stated that



the payments of gratuity, leave encashment, provident fund, etc. have already been made to the petitioner. It has further been stated that neither the petitioner nor the college has submitted the record regarding contribution of group insurance deposited by the petitioner from October, 1982 to June, 1990. Hence, the payment of group insurance amount would be made after the detail in respect of contribution of the amount for the aforesaid period is received.

8. Learned counsel for the University submitted that since the grievances of the petitioner have already been redressed, the writ petition may be disposed of.

9. In reply, learned Senior counsel for the petitioner would submit that though most of the grievances of the petitioner have already been redressed, the petitioner may be granted liberty to raise his claim before the authority concerned in respect of remaining grievances, if any, including the payment of group insurance amount.

10. In view of the submission made on behalf of the petitioner, the writ petition is disposed of with liberty to the petitioner to raise his claim before the Registrar, Magadh University. In case of filing of representation the Registrar shall be obliged to examine the claim and dispose of the same by a speaking order within three months from the date of filing. If any claim is



found admissible, the payment should be made within one month from the date of order on representation.

(Ashwani Kumar Singh, J.)

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AFR/NAFR	NAFR
CAV DATE	...
Uploading Date	17.01.2017
Transmission Date	

