

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5435 of 2017

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Braj Nandan Yadav Son of Late Saryug Prasad Yadav, Resident of West of Girl's High School, Lohiya Nagar, Ward No. 19, P.O. and P.S. Madhepura, District-Madhepura, the retired Head of the Department, Post- Graduate Botany Department, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Education Department, Government of Bihar, Patna.
4. Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura, through the Registrar.
5. The Vice Chancellor, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
6. The Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
7. The Finance Officer, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
8. Registrar, L. N. Mithila University, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate
For the State	:	Mr. R. V. P. Singh, AC to GA 12
For the B.N. Mandal University	:	Mr. Mithilesh Kr. Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 21-03-2018

Heard learned counsel for the petitioner; State and B. N.
Mandal University.

2. The petitioner has moved the Court for the following
reliefs:

*“(I) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent Authorities for payment of retirement benefits to the petitioner under the following Heads:-*



(a) Gratuity;

(b) Leave Encashment

(c) Group Insurance

(d) Other admissible dues for which the petitioner is legally entitled in accordance with law.

*(II) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent Authorities to pay the aforesaid dues of the petitioner arising out of his retirement benefit with interest on the ground that the payments of the retirement benefits of the petitioner has been delayed on account of deliberate action of the Respondent Authorities and no fault can be attributed to the petitioner.*

(III) For issuance of any other appropriate writ/writs, order/orders direction/directions for which the writ petitioner would be entitled under the facts and circumstances of the case.”

3. In view of the materials on record, it appears that all admitted dues have been paid by B. N. Mandal University. However, with regard to the period spent by the petitioner earlier in the erstwhile L.N. Mithila University, amount of G.I.C. has not been forwarded along with up-to-date interest at the relevant time by the L.N. Mithila University to B. N. Mandal University due to which they have written letter to the Registrar of L. N. Mithila University on 10.03.2018.



4. Having regard to the aforesaid, let learned counsel for the petitioner implead L. N. Mithila University through its Registrar as respondent no. 8. Necessary correction be made in the cause title of the writ petition during the course of the day.

5. Accordingly, the writ petition stands disposed off with a direction to the newly added respondent no. 8 to ensure that for the period the petitioner had worked under the L. N. Mithila University, the entire dues under G.I.C. is forwarded to B. N. Mandal University within two weeks from the date of production of a copy of this order before him in terms of the request letter of B. N. Mandal University dated 10.03.2018, copy of which has been brought on record as Annexure-C in the supplementary affidavit filed on behalf of respondents no. 4 to 7. As soon as the amount is received by B. N. Mandal University, the same shall be paid to the petitioner within the next two weeks.

(Ahsanuddin Amanullah, J)

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