

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8700 of 2017

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Dr. Moti Lal Yadav S/o late Jibach Yadav Resident of Bahadurpur, Ward no. 29,
Madhuri chowk, P.S. +District- Samastipur, a superannuated employee as Reader
from B.R.B. College, Samastipur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar .
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Vice -Chancellor, L.N. Mithila University, Kameshwar Nagar, Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga.
6. The Principal, B.R.B. College, Samastipur, District - Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate
For the State	:	Mr. S. C. Mishra, SC 16
For the LNMU	:	Mr. Md. Nadim Seraj, Advocate
For the Central University	:	Mr. S. D. Sanjay, Addl. S.G.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 04-04-2018

Heard learned counsel for the petitioner; State and L. N.

Mithila University (hereinafter referred to as the 'University').

2. From the pleadings on record, it appears that the
admitted retiral dues of the petitioner have been paid except for
D.D.A.

3. Learned counsel for the University submitted that the
records have come from the College but because of the bad condition
of the records it is taking time to calculate the admissible amount due
to the petitioner. However, he has assured that within two weeks the
same shall be paid.



4. Learned counsel for the petitioner submitted that the calculation of Earned Leave is not correct as the period of roster duty performed by the petitioner has not been counted and also 131 days for the strike period.

5. Be that as it may, the matter relating to disputed questions of fact, the Court would not go into such aspect and the petitioner is given liberty to represent in the said matter before the appropriate authority/forum.

6. Accordingly, the writ petition stands disposed off with a direction to the Registrar of the University to ensure that admissible D.D.A. to the petitioner is paid to him within two weeks from the date of receipt of a copy of this order by the Registrar (respondent no. 4).

7. The petitioner shall further have liberty to make a detailed representation before the respondent no. 4 with regard to his grievance relating to calculation of Earned Leave. The same shall be done within two weeks from today. The respondent no. 4 shall look into the matter and get the same verified from the records and then pass a reasoned order within four weeks from the date of filing of such representation. If it transpires that any further amount is required to be paid, the same shall also be paid to the petitioner within the next four weeks.

8 . At this juncture, Mr. S. D. Sanjay, learned Additional



Solicitor General submitted to the Court that in terms of the order passed in the present writ application on 24.01.2018, a communication has been sent to him by the Registrar of the Central University, South Bihar with regard to the said order. It was submitted that the Court had directed that the judgment passed in C.W.J.C. No. 11219 of 2011 dated 31.08.2015, which has been affirmed in L.P.A. No. 1253 of 2016 by order dated 11.01.2008 be complied with, failing which the Court may issue contempt proceeding. It was submitted that the same deals with the mode of calculation of Earned Leave and payment of 12.5% compound interest on Group Insurance. It was submitted that the Central Universities are governed by their own Act/ Regulations and, thus, the Court may exempt them from such direction.

9. The Court would only observe and clarify that as and when any University in the State of Bihar feels that the direction given by the Court in its order dated 24.01.2018 in the present writ petition is in conflict with any statutory provision/order of any Court, it shall be open to the concerned University to file appropriate application seeking any clarification/modification/further direction.

(Ahsanuddin Amanullah, J)

Anjani/-

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