

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15808 of 2004

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Tulsi Jain, wife of late Professor Surendra Prasad Jain, resident of Mohalla Dahiyawan Tola, P.O.- Chapra, P.S.- Chapra Town, District – saran.

.... Petitioner

Versus

1. The State of Bihar
2. Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur through its Registrar.
3. The Vice Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
4. The Registrar, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
5. Jai Prakash University, Chapra through its Registrar.
6. The Vice Chancellor, Jai Prakash University, Chapra.
7. The Registrar, Jai Prakash University, Chapra.

.... Respondent/s

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Appearance :

For the Petitioner	: Mr. Mahesh Narayan Parbat, Senior Advocate
For the State	: Mr. Dev Kumar Pandey, AC to GP-2
For J.P. University	: Mr. Anjani Kumar, Senior Advocate Mr. Nagendra Kumar Singh, Advocate
For B.R.A. Bihar University	: Mr. Dhruva Mukherjee, Senior Advocate Mr. Ganesh Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-02-2018

Heard Mr. Mahesh Narayan Parbat, learned senior counsel for the petitioner; State; Mr. Anjani Kumar, learned senior counsel along with Mr. Nagendra Kumar Singh, learned counsel for J.P. University and Mr. Dhruva Mukherjee, learned senior counsel along with Mr. Ganesh Singh for B.R.A. Bihar University.



2. The petitioner had moved the Court seeking admissible retiral dues of her late husband.

3. The position today is that the controversy is restricted to the payments being in accordance with the law settled by the Court in the case of **Professor Bahadur Singh vs. State of Bihar** reported as **2006(4) PLJR 369** by a Bench of this Court which has been affirmed till the Hon'ble Supreme Court. In essence, the stand is that Deferred Dearness Allowance as well as Group Insurance which has to be paid in terms of what has been held by the Court has not been made as lesser amount was paid, on account of the stand taken by the two Universities that at the relevant time, the decision to grant such benefit not having been approved by the State Government, benefit cannot be given.

4. Having heard the parties at length, there being no dispute that the issue has been settled by judicial pronouncements, which are not subject to any restriction by either statutory provisions or decisions of the authorities including the State Government, the matter has attained finality.

5. In view thereof, the Court finds that nothing remains for adjudication in the present writ application as issues



which have attained finality by judicial orders, are only required to be implemented in letter and spirit.

6. In view thereof, the writ petition stands disposed off with liberty to the petitioner to make a representation before the Registrar of J.P. University raising her claim with regard to Deferred Dearness Allowance and Group Insurance and Adhoc Dearness Allowance enclosing the orders of this Court. If the same is filed within four weeks from today, the Registrar of J.P. University shall be obliged to look into the matter and pass a reasoned order within the next four weeks. If it transpires that further payments are required to be made to the petitioner, the same shall be paid to her within three weeks thereafter. The reasoned order to be passed shall also contain details of computation on which the J.P. University has made payment to the petitioner so that she is in a position to get the same verified.

7. At this stage, learned counsel for the B.R.A. Bihar University submitted that it being the parent University, for part of the liability for the period the late husband of the petitioner had worked under it, a consolidated lump sum amount has been forwarded to J.P. University for making payment in such cases; however, if upon accounting, anything further would be required to be paid by the



B.R.A. Bihar University to J.P. University for such payment, the
B.R.A. Bihar University would consider the same upon requisition to
this effect being made by J.P. University.

(Ahsanuddin Amanullah, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23-02-2018
Transmission Date	

