

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10770 of 2015

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Shiv Nath Mandar, S/o Maksudan Madar, resident of Adarsh Nagar, P.S. & District- Samastipur, Presently posted as Associate Prof. in the department of Geography, B.R.B. College, 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.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Nadim Seraj, Advocate Mr. Altamish, Advocate
For the Respondent/s	:	Mr. Anil Kumar Singh, GP 26

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 03-12-2018 Dispute relates to payment of arrears. Similar issue has been decided by this Court vide order dated 7.8.2018 passed in CWJC No. 17983 of 2016.

In view of the above, the writ petition is disposed of strictly in accordance with the order dated 7.8.2018 passed in CWJC No. 17983 of 2016. The relevant part of the order dated 7.8.2018 is quoted below:-

“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 to make payment



the retiral dues and others under different heads with statutory interest.

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

3. The only controversy which remains was with regard to D.A. and H.R.A. By various orders and also the State officials

appearing before the Court, finally, the position which emerges, is that there is a categorical stand on behalf of the State that other Universities have been paying such dues to the employees and only L. N. Mithila University has raised this bogey and, thus, the onus is on the University to pay the amount to its employees without any State involvement. Learned counsel for the University submitted that they have been releasing sufficient funds to make payment and for which no separate fund especially earmarked for these two heads is required. It has further been clarified that the University paying it to its employees shall not be taken adversely by the State. Though further adjournment for four weeks was sought for coming out with a final position on behalf of the State, but in view of the stand taken before the court today by learned counsel for the State, it is not deemed necessary to keep the writ petition pending.

4. Learned counsel for the University took a categorical stand that they shall make the payment of such dues to the petitioner within three weeks



from today.

5. In view of the position emerges above, the writ petition stands disposed off in light of the stand of the State Government and that of learned counsel for the University with regard to making payment to the petitioner.

6. The Court would only indicate that as the order has been passed on the stand taken by learned counsel for the University itself, if any violation of the same is brought to the notice of the Court, the same shall be taken seriously.”

The writ petition is disposed of in similar terms.

(Anil Kumar Upadhyay, J)

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