

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.1253 of 2016**

**In**  
**Civil Writ Jurisdiction Case No.11219 of 2011**

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1. Tilka Manjhi Bhagalpur University through the Registrar, Tilka Manjhi, Bhagalpur.
  2. Vice-Chancellor, Tilka Manjhi Bhagalpur University, Tilka Manjhi, Bhagalpur.

... .. Appellant/s

Versus

1. Dr. Shyam Sunder Acharia, Son of Late Bankim Chandra Acharia, Retired University Professor and Head of the department of Botany, R.D. and D.J. College, Munger, at present residing at Flat No. 2F, Haldiram Complex 72/1 Anandpur, P.S.- Tiljala, District- South 24 Pargana Kolkata, West Bengal.
2. That State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Secretariat, Patna.
3. Director Higher Education, Govt. of Bihar, Secretariat, Patna.
4. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
5. University Grant Commission through Secretary, Bahadur Sah ZAFAR Marg, New Delhi- 110002.

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr. Shailendra Kumar Singh |
| For the Respondent/s | : | Mr. Sujeet Kumar Sinha     |
|                      |   | Mr P.N.Sharma, AC to AG    |

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**  
**and**  
**HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)**

7      11-01-2018              Delay of 231 days in preferring the appeal is condoned.

I.A. No.4903 of 2016 is allowed. Matter is thereafter taken up on merits.

Heard counsel for the appellant, the University as well as the private respondent.

The decision of the learned Single Judge on both the



counts with regard to mode and manner of calculation of earned leave as well as grant of interest on group insurance @ 12.5% compound is not required to be interfered with because the manner in which the enhanced number of days of earned leave has been calculated is per se erroneous and irrational. Therefore, the learned Single Judge has rightly rectified the said decision. So far as payment of interest on group insurance is concerned, it is based on a judicial decision, which is binding.

Appeal has no merit. It is dismissed.

**(Ajay Kumar Tripathi, J)**

**( Nilu Agrawal, J)**

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