

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13428 of 2017

=====

Mohammad Azeem, Son of Late Ashique Ali, Resident of Village+ P.O.-
Dehgawan, District- Badaun (U.P.). At present Retired Professor, Z.A. Islamia
College, Siwan.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Vikas Bhawan, Government of
Bihar, Patna.
3. Jai Prakash University, Chapra through its Registrar, District- Chapra.
4. The Vice- Chancellor, Jai Prakash University, Chapra.
5. The Registrar, Jai Prakash University, Chapra.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 11-01-2018

Heard learned counsel for the petitioner; State and Mr.
Anjani Kumar, learned senior counsel along with Mr. Nagendra
Kumar Singh, learned counsel for the J.P. University, Chapra
(hereinafter referred to as the 'University').

2. From the pleadings on record, especially the
supplementary counter affidavit filed on behalf of respondents no. 3
to 5 today, it appears that the admitted retiral benefits of the
petitioner have been paid. However, learned counsel for the
petitioner has submitted that about Rs. 3,00,000/- is still due under
the Leave Encashment head. The University had given its detailed



stand in the counter affidavit filed on 13.11.2017, in which there was a categorical statement that Earned Leave of Rs. 9,50,405/- had been found payable. Despite copy of the same having been served on learned counsel for the petitioner on 11.12.2017, no rejoinder having been filed, the Court, in the present proceeding, is unable to go into that issue.

3. Accordingly, the writ petition stands disposed off.

4. However, the petitioner shall be at liberty to file a detailed representation explaining his claim before the respondent no. 5. If the same is done within three weeks from today, the respondent no. 5 shall get the same verified from the relevant records. If it transpires that there has been some error either in calculation with regard to the number of days or the amount, the same shall be rectified and any further payment is required to be made, the same shall be made and a reasoned order shall be passed within four weeks from the date of filing of the representation. If any further payment is required to be made, the same shall also be made within two months from the date of passing of the order.

5. At this juncture, learned counsel for the University has drawn the attention of the Court to the fact that it had sent a detailed requisition to the State Government with regard to release of funds and the matter has also been taken up by the Division Bench presided



over by Hon’ble the Chief Justice in C.W.J.C. No. 17619 of 2006, in which the State has taken a stand that there is default on the part of the University authorities in sending papers and other requirements to the State Government, but from the materials brought on record in the present case, the same is falsified as details have already been forwarded to the State Government.

6. In view of the aforesaid, the State while taking any decision on the aforesaid, will keep in mind the fact that at least with regard to J.P. University, the details were already forwarded to it under Letter No. A.C.-Pen 206/2017 dated 06.07.2017, sent by the Registrar of the University to the Additional Secretary, Department of Education, Government of Bihar, Patna.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	

