

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15643 of 2014

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1. Gajendra Nath Shrivastva son of Shri Late Rajendra Nath Shrivastva R/O Mohalla Rajendra Sarover, Behind Power House, Chapra, P.S. - Bhagwan Bajar, P.O. - Chapra, Dist - Saran Bihar retired from the post of Reader in the Department of Psychology, R.B.S. College, Andaur, District - Samastipur a constituent Unit of L.N.M.U., Bihar, K. Nagar, Darbhanga.

.... Petitioner/s

Versus

1. Lalit Narayan Mithila University through its registrar at Kameshwar Nagar Darbhanga.
2. Vice Chancellor L.N. Mithila University at Kameshwar Nagar Darbhanga.
3. Registrar Mithila University at Kameshwar Nagar Darbhanga.
4. The State of Bihar through Principal Secretary Higher Education, Govt. of Bihar, New Secretariat, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Ajay Kumar Sharma, ALC to A.G.
For the LNMU : Binita Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 14-08-2018

Heard learned counsel for the petitioner and counsel appearing on behalf of the State.

This is second round of litigation. Earlier the petitioner has filed a writ application which was disposed of on 19.06.2013. After the order of the writ court on the basis of wrong calculation, claim was decided the petitioner. Under the compelling circumstance, the present writ application was filed by the petitioner. At one point of time the matter was referred to the Lok Adalat but due to the attitude adopted by the respondent, the controversy was not resolved before the Lok Adalat and as such the matter was listed before the regular Bench. This writ petition was filed on 09.09.2014, approximately four years have passed neither the State nor the University has filed any counter affidavit.



Under the aforesaid circumstance, considering the attitude of the respondent, as noted hereinabove, the Court is constrained to dispose of the writ petition with the direction to the respondent to examine the record and ascertain whether there was any error in calculation of the arrear payable to the petitioner.

In case, it is admitted by the respondent that there was any error in calculation, corrected amount should be paid to the petitioner within a maximum period of four months from the date of receipt/production of a copy of this order with calculation chart. In the event, the respondent provide calculation chart for the calculation of arrears payable to the petitioner, after the time frame the University shall be under obligation to pay cost of Rs. 10,000/- after expiry of the period indicated hereinabove. In the event it is admitted by the University that any amount is payable to the petitioner the university are duty bound to ensure the payment of the same within time frame indicated above failing which arrears will carry interest @ 9% from the date of accrual to the date of actual payment which shall be born out by erring officials who shall be identified by the vice chancellor of the university.

With the aforesaid observation and direction, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28/08/2018
Transmission Date	NA

