

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5149 of 2015

Prof. Sheikh Mujtaba Hussain, son of Late Sheikh Basharat Ali, resident of
Shaheen Lodge, opposite Khuda Baksh Library, Ashok Raj Path, P.S.-
Pirbahore, Patna ... Petitioner

Versus

1. The State of Bihar.
2. The Secretary, Education Department, Govt. of Bihar, Patna.
3. The Patna University, Patna through the Vice-Chancellor, Patna University,
Patna.
4. The Registrar, Patna University, Patna ... Respondents

Appearance :

For the Petitioner	:	Mr. Najmul Hoda, Adv.
For the State	:	Mr. Jitendra Kumar, AC to AAG XIV
For the University	:	Mr. Manish Dhari Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

5 11-05-2018 Heard learned counsel for the petitioner, State and
Patna University.

2. The petitioner has moved the Court for the
following reliefs :

“That this is an application under the writ jurisdiction of this Hon’ble Court for issuance of an appropriate writ, orders or direction to the respondents for the payment of retirement benefits that is (a) Pension (b) Gratuity and (c) Leave encashment which has not been paid yet and the University by belated order dated 12.09.2007 has terminated the Service of the petitioner w.e.f. 03.07.2002.”

3. At the very outset, learned counsel for the petitioner submitted that he was dismissed from service by order dated 12.09.2017, which he had challenged in C.W.J.C. No. 5638 of



2017 and the same has been disposed off by order dated 29.03.2018, and the Court has quashed the termination order with liberty to the Patna University to take appropriate action in accordance with law after giving liberty of hearing to the petitioner and following the rules contained in the Service Statute applicable for teachers of the University. He, thus, submitted that the present writ petition be disposed off with the direction that the retiral benefits be paid to the petitioner in terms of the order dated 29.03.2018, passed in C.W.J.C. No. 5638 of 2017.

4. Learned counsel for the State and Patna University do not object.

5. In view, therefore, the writ petition stands disposed off with the observation that in terms of the order of the Court, dated 29.03.2018, passed in C.W.J.C. No. 5638 of 2017, whatever steps are taken or orders passed by the Patna University in terms of the said order and within the time stipulated in the said order, the relief relating to retiral benefit of the petitioner, shall be considered and paid to him.

(Ahsanuddin Amanullah, J)

Shamshad/-

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