

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12832 of 2016

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Harihar Chaubey, Son of Mahatam Chaubey, resident of village + P.O. Thakrahan,
P.S. Thakrahan, District - West Champaran Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Government of Bihar, Patna
 2. The Principal Secretary, Department of Education, Government of Bihar, Patna
 3. The Director, Higher Education, Department of Education, Government of
Bihar, Patna
 4. The Chancellor, Universities of Bihar, Government of Bihar, Patna
 5. The B.R.A. Bihar University, Muzaffarpur, through its Registrar at Muzaffarpur
 6. The Vice - Chancellor, B.R.A. Bihar University Muzaffarpur
 7. The Registrar, B.R.A. Bihar University Muzaffarpur
 8. The Jai Prakash University through its Registrar at Chapra
 9. The Vice Chancellor, Jai Prakash University, Chapra
 10. The Registrar, Jai Prakash University, Chapra
 11. The Principal, Gopalganj College, Gopalganj, District Gopalganj
 12. The Accountant General, Bihar, Patna Respondent/s
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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5, Advocate

For the Respondent/s : Mr. Rajesh Kumar, GP-19

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 10-05-2018

It appears from Annexure-8 to the counter affidavit of the Universities that the University has requested the Director, Higher Education in connection with granting the consequential benefit and arrears counting the services of the petitioner from the date of initial appointment.

2. In the counter affidavit of the State, many folds submissions have been made including the delay aspect in filing the present application and suggestion have been advanced that the delay disentitle the petitioner from any relief.



3. Considering the fact that the University has requested the State Government for grant of approval of the services of the petitioner from initial date of appointment for grant of all consequential benefit, the writ petition is disposed of with a direction to the State to take a final decision on the letter no. 177 dated 16.02.2017 and take appropriate decision on the issue of extending the benefit to the petitioner in the light of the decision of LPA Court in L.P.A. No 36 of 1994 dated 19.02.1997. If the case of the petitioner is found similar to the appellant, whose case was finally decided by the L.P.A. Court in L.P.A. No. 36 of 1994 similar benefit should be extended to this petitioner also. Final decision in this regard must be taken by the respondents within a period of 60 days from the date of receipt/production of a copy of this order and after the decision the University is required to pay the monetary benefit to the petitioner within a further period of 30 days.

4. With the aforesaid, writ application is disposed of.

(Anil Kumar Upadhyay, J)

Uday/Deo

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.05.2018
Transmission Date	

