

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.3804 of 2017**

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Dr. ( Smt. ) Shashi Prabha w/o - Prof. Ramesh Prasad Sinha resident of Angan  
Apartment, Congress Maidan Road, Kadamkuan, Patna.

.... .... Petitioner/s

Versus

1. State of Bihar through the Principal Secretary, Higher Education Department, Patna.
2. The Patna University, Patna, through its Registrar.
3. The Vice-Chancellor, Patna University, Patna.
4. The Registrar, Patna University, Patna.
5. The Director, Centre for Adult and Continuing Education, Patna University, Patna.
6. The Finance Officer, Patna University, Patna.
7. The Development Officer, Patna University, Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Kripa Nand Jha, Advocate  
For the University : Mr. Manishdhari Singh, Advocate  
For the State : Mr. Prabhakar Jha, GP-17

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date: 24-09-2018**

Heard learned counsel for the petitioner; State and Patna  
University (hereinafter referred to as the 'University').

2. The petitioner has moved the court for the following  
reliefs :-

*“(i) For issuance of an appropriate direction  
order or writ in the nature of mandamus commanding  
the respondents to pay the entire retiral dues to the  
petitioner i.e. Provident Fund, Gratuity, Earn leave,  
Group Insurance, etc. and due salary for the month of  
February to 26 June 2003 immediately and forthwith  
including recalculation of monthly pension allowed to*



*petitioner with interest over the entire due amount from the date it is due till the date of its actual payments.*

*(ii) For holding and the declaring that the retiral dues admissible to the petitioner cannot be withheld by the respondents and therefore the respondents concerned are under the bounden duty to calculate the entire dues amount payable to the petitioner as soon as the petitioner retired from the service and by calculating the said entire amount the same must be paid immediately and forthwith with interest over the entire due amount.*

3. From the pleadings on record, it transpires that all retiral benefits have been paid to the petitioner. However, there has been some recovery from the gratuity on the ground that the matter having been enquired by a Four Men Committee, has found that the initial fixation of pay itself was wrongly done for which a person has been held responsible and has also been proceeded against.

4. Learned counsel for the petitioner submitted that such stand of the University is incorrect for the reason that the petitioner is protected by the principle of pay protection and, thus, no excess amount has been drawn by her and it was further submitted that for all these years, no objection was raised by any quarter and also that the petitioner had at no point of time misrepresented and the authorities themselves had granted the scale of pay to the petitioner which has



also been found to be correct by the Pay Verification Cell of the University initially.

5. Learned counsel for the University submitted that the said fixation itself was wrongly given due to connivance of the person against whom the University has started action and, thus, only on the ground that a wrong has been committed, the same, having been found out, cannot be allowed to be perpetuated.

6. Be that as it may, the Court finds that the present application filed as a retiral benefit matter, which is the roster allotted to the Bench by Hon’ble the Chief Justice, and all retiral benefit payments having been made to the petitioner, nothing further remains. However, with regard to the stand by the University questioning the very initial fixation of salary of the petitioner, the same obviously being a salary/service matter, being a fresh cause of action, the petitioner is required to take steps in accordance with law, before the appropriate forum.

7. Accordingly, the writ petition stands disposed off in the aforementioned terms.

**(Ahsanuddin Amanullah, J.)**

N.H./-

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