

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16953 of 2016

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Jai Rani Devi, widow of late Sita Sharan Sinha, resident of Village & P.O.- Nimi
Seikhopur Sarai, Via- Barbigha, District- Seikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Human Resources (Higher Education) Dept. Government of Bihar, Patna.
3. Magadh University, Bodh Gaya, through its Registrar.
4. The Vice Chancellor, Magadh University, Bodh Gaya.
5. The Finance Officer, Magadh University, Bodh Gaya.
6. The Principal, A.N.S. College, Barh, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ratnesh Nandan Sinha, Advocate
For the State	:	Mr. Rajeev Ranjan, AC to GP 20
For the Magadh University	:	Mr. Shivendra Kishore, Sr. Advocate with Mr. Arabind Nath Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-06-2018

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

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

“ That this is an application for issuance of an appropriate Writ, order or direction to grant continuity of service of the writ petitioner for the period 36 years 8 months and 8 days where as the petitioner has been wrongly granted total service 29 ½ years only by the University and pension and



pensionary benefits has been paid on that basis resulting into discrimination in fixation of pension and other pensionary benefits in comparison to other similarly situated University professors of the same College/University.

The writ petitioner further prays for addition of 7 years 3 months service tenure in the continuous service of the petitioner as professor in Mathematics department. And revise pension and other pensionary benefits accordingly.”

3. At the very outset, learned counsel for the University submitted that the whole issue hinges with regard to accepting certain periods as pensionable for the reason that earlier Provident Fund deduction for the said period were not deposited with the University. However, now contribution has been deposited on behalf of the original writ petitioner and the University is in the process of taking consequential action by counting the period for the purposes of pensionary benefits and accordingly revision of pension shall result followed by payment of arrears, as may be admissible. It was further submitted that deposit has been made only yesterday.

4. The Court appreciates the promptness shown on behalf of the University in being prepared with the up-to-date instructions and being fair before the Court.

5. Prayer is made on behalf of the University for grant of



six weeks time for taking the matter to its logical conclusion.

6. In view of the fact that only yesterday deposit has been made and fair stand has been taken before the Court, the Court finds that two months would be reasonable for allowing the University to take consequential steps for redressing the grievance of the petitioner.

7. In view thereof, the writ petition stands disposed off with a direction that the consequential benefits arising out of counting of period in dispute for the purpose of pensionry benefits be granted to the petitioner within two months from the date of production of a copy of this order before the respondent no. 5.

(Ahsanuddin Amanullah, J)

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