

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18286 of 2016

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Maheshwar Yadav, S/o Late Bhagwat Yadav, resident of the House of Late Mahendra Mohan Mishra, Club Road, Ramna, Shankar Nagar, P.S.-Mithanpura, Town & District Muzaffarpur (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Higher Education, Bihar, Patna.
2. The Hon'ble Chancellor of the Universities, Chancellor Secretariat, Bihar Raj Bhawan, Patna.
3. B.R. Ambedkar Bihar University, Muzaffarpur through its Registrar.
4. The Vice-Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur.
5. The Registrar, B.R. Ambedkar Bihar University, Muzaffarpur.
6. Lalit Narayan Mishra College of Business Management, Bhagwanpur Chowk, Muzaffarpur, Pin-842001, through its Registrar.
7. The Director, Lalit Narayan Mishra College of Business Management, Bhagwanpur Chowk, Muzaffarpur, PIN-842001.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh and Mr. Shashi Nath Jha, Advocates
For the State	:	MR. Amit Bhushan, A.C. to G.P. 17
For the L.N.M.U.	:	Mr. Binodanand Mishra, Advcoate
For the University	:	Mr. Nikhil Kumar Agrawal, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 02-02-2018

Heard learned counsel for the petitioner; State; B.R.A.

Bihar University and Lalit Narayan Mishra College of Business
Management.

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

*“(i) Directing the respondent-authorities to
make payment of all arrears of salary and retiral
benefits, as detailed in Annexure-1 hereto, which
have not yet been paid to the petitioner.*

(ii) Setting aside the order dated 04.08.2016



(Annexure-4) passed by the Hon'ble Chancellor (Respondent No. 2) by which the aforesaid claim/retiral benefits/arrears of the petitioner, as detailed in Annexure-1 hereto, have been rejected on unsustainable ground.

(iii) Directing the authorities concerned to make payment of all other arrears which are due to the petitioner and other employees of the college.

(iv) Declaring and holding that the L.N. Mishra College of Business Management, Muzaffarpur (hereinafter referred to as the College in question) is a constituent Unit of B.R. Ambedkar Bihar University, Muzaffarpur (Bihar University in brevity) like all others colleges of the said University, and the College in question is liable to pay all the dues, arrears and retiral benefits to the petitioner as explained in Annexure-1 hereto.

(v) Granting any other relief/reliefs for which the petitioner may be found entitled to."

3. From the materials on record, it appears that for a short while, in the year 1992, by a notification, the State Government had taken over the college in question but within a few months of the same, the said take-over was reversed and the notification also was withdrawn. The same is contained in Memo No. 572 dated 28.08.1992, issued by the Human Recourses Development Department, copy of which is Annexure-13 to the writ petition.

4. Thus, as per the stand taken by the State, and rightly so, the State Government cannot be fastened with any liability to pay the retiral dues of the petitioner. In view of the aforesaid position, the Court in its jurisdiction under Article 226 of the Constitution of India is unable to issue any positive direction in favour of the



petitioner as such direction will have to be given to the college in question, which is an autonomous and self financing Institute.

5. Accordingly, the writ petition stands disposed off.

6. However, it would be open to the petitioner to agitate his cause before the appropriate forum, in accordance with law, for seeking his retiral benefits from the management/authority of the college. If the petitioner moves with regard to the same before the appropriate forum, in accordance with law, the same shall be decided on merits without being prejudiced by the fact that this Court did not interfere in the present application and the matter shall be considered on merits expeditiously.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
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