

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4585 of 2018

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Haldhar Prasad Gupta, Son of Late Gosai Sahu, Resident of Village-Jiwachhpur,
Ward No. 07, Madanpur, P.S.+District-Madhepura, Retired Laboratory In-Charge,
Department of Zoology, Parvati Science College, Madhepura, District-Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Higher Education, Human Resources Development Department, Government of Bihar, New Secretariat, Patna.
3. The Director (Higher Education), Human Resources Development Department, Government of Bihar, Patna.
4. The Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura through its Registrar.
5. The Vice-Chancellor, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
6. The Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
7. The Finance Officer, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 05-09-2018

Heard learned counsel for the petitioner; State and B.N.

Mandal University (hereinafter referred to as the ‘University’).

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

*“That this writ application is being filed for
issuance of an appropriate writ/writs, order/orders,
direction/directions in the nature of mandamus for
directing and commanding the Respondents concerned
to make payment of retiral dues such as Gratuity,
Pension, arrears of salary etc. to the petitioner which
has not been paid to him till date, despite the fact that*



petitioner has discharged his regular and sincere duty till his superannuation from service i.e. on 30.11.2016 on the post of Laboratory In-charge, Department of Zoology in Parvati Science College, Madhepura and there was no any controversy in his appointment in view of the Affidavit submitted by the Respondent University before Hon'ble Justice S.B. Sinha Commission in this regard. And/or any other relief or reliefs for which the petitioner is found entitled to in the facts and circumstances of the instant writ application."

3. The case of the petitioner being that of a 4th phase taken over college, the matter travelled till the Hon'ble Supreme Court which formed a Committee of Hon'ble Mr. Justice S.B. Sinha, former Judge of the Hon'ble Supreme Court of India to look into the matter and make recommendation. After the recommendation made by the Committee, the persons in whose favour there was a clear cut recommendation, the Hon'ble Supreme Court directed the State Government to take consequential action within three months. However, with regard to some persons, as recommended by the Committee, the matter was left to the University concerned to consider and take a decision.

4. In the case of the present petitioner, a decision in his favour has been taken by the University and the stand is that the matter is being recommended to the State Government for consequential follow up action and thereafter payment shall be made.

5. In view of the aforesaid, the Court does not deem it



necessary to keep the writ petition pending, as basically there is no issue which remains to be adjudicated and also that the case of the petitioner has been favourably considered by the authorities.

6. Accordingly, the writ petition stands disposed off with a direction to the University to send its recommendation to the State Government, if already not done, latest within two weeks from today. Upon the same being done, the State authorities shall ensure that the consequential and follow up action is taken latest within three weeks from the date of receipt of the recommendation from the University. After that, the State authorities shall convey the decision to the University which shall ensure that whatever admitted dues in terms of such order is required to be paid to the petitioner, the same is paid within six weeks thereafter.

7. The Court may only observe that as a fresh decision with regard to regularization and acceptance of the service and claim of the petitioner has to be made, it goes without saying that for such purpose, the State Government is required to provide necessary funds.

(Ahsanuddin Amanullah, J.)

P. Kumar

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