

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13153 of 2018

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Munna Prasad Gupta, Son of Shri Murari Prasad Gupta, Resident of 10, Main Road,
Mahavir Sthan, Danapur-cum-Khagaul, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna.
2. Magadh University, Bodh Gaya through its Registrar.
3. Vice Chancellor, Magadh University, Bodh Gaya.
4. Registrar, Magadh University, Bodh Gaya.
5. Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Advocate
For the State	:	Mr. Ram Vinay Prasad Singh, A.C. to G.A. 12
For the Magadh University	:	Mr. Shivendra Kishore, Sr. Advocate Mr. Priyank Deepak, Advocate
For the Accountant General	:	Mr. Shiv Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 23-08-2018

Heard learned counsel for the petitioner; State;

Accountant General and Magadh University (hereinafter referred to
as the 'University').

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

*“(i) Issuance of a direction, order or writ,
including writ in the nature of mandamus
commanding the concerned respondent authorities
under the Magadh University, Bodh Gaya
(hereinafter referred to as “the University”) and the
Education Department of the State Government to
take steps towards extending the benefits of fixation
of the pension, gratuity and earned leave
encashment of the petitioner on the basis of the last*



pay drawn by him on the date of his retirement from the services of B. S. College, Danapur (hereinafter referred to as “the College”), which is a constituent unit of the University, from the post of Lab Technician in the subject of Botany pursuant to fixation of his salary in Pay Band-2 (Rs. 9300/34800/-) with Grade Pay of Rs. 4200/- in place of the fixation of his pension and other retirement benefits that has been done while treating him to have retired while drawing his salary in Pay Band-1 with Grade Pay of Rs.2400/-;

(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the University as well as the State Government in its Department of Education to take steps towards making payment of the entire arrears of pension admissible to the petitioner after revising the same while taking note of the last date drawn by the petitioner in Pay Band-2 with Grade Pay of Rs. 4200/-;

(iii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the University as well as the State Government to take steps towards making payment of penal interest over and above the amount that may be found to be admissible in favour of the petitioner upon revision of his pension, gratuity and leave encashment while rectifying the fixation of the same by treating the petitioner to have retired while drawing his salary in Pay Band-2 with Grade Pay of Rs. 4200/-;

(iv) Any other relief/reliefs that the petitioner may be found to be entitled to in the facts and circumstances of the present case.”

3. In the counter affidavit filed on behalf of the University, the claim of the petitioner in the scale of Rs. 9300-34800/- and grade pay of Rs. 4200/- has been accepted. The further



stand is that based on the same, calculations are being made with regard to the consequential benefits payable to the petitioner, for which one month time has been sought.

4. Having regard to the aforesaid, the writ petition stands disposed off with a direction both to the University and the State authorities to ensure that financial benefit accruing to the petitioner on the basis of acceptance of his claim for pay scale of Rs. 9300-34800/- and grade pay of Rs. 4200/- be made at the earliest and latest within a period of six weeks from the date of production of a copy of this order before the respondents no. 1 and 4.

(Ahsanuddin Amanullah, J.)

P. Kumar

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