

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18751 of 2017

=====

Balram Pandey, Son of Late Dhanushdhari Pandey, Resident of Village- Jaitiya,
PO- Jaitiya, PS- Chanpatiya, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar at Patna.
2. The Chancellor-cum-the Governor of Bihar, Rajbhawan Patna.
3. The Vice Chancellor of Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga, Bihar.
4. The Director of the Higher Education, Education Department, Govt. of Bihar, Patna.
5. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga, Bihar.
6. The Bursar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga, Bihar.
7. The Secretary-cum-Mantri, Harihar Sanskrit College, Bakulahar Math, Chanpatiya, District- West Champaran, Bihar.
8. The Principal, Harihar Sanskrit College, Bakulahar Math, Chanpatiya, District- West Champaran, Bihar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Raghib Ahsan, Sr. Advocate with Dr. Chandra Shekhar Azad and Mr. Satish Kr. Pandey, Advocates
For the State	:	Mr. Rajeev Ranjan, AC to GP 20
For the University	:	Mr. Uday Chand Prasad, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 19-11-2018



Heard learned counsel for the petitioner; State and K. S. D. Sanskrit University (hereinafter referred to as the 'University').

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

*“(i) For issuance of an appropriate writ/order, orders/direction, directions in the nature of Mandamus, directing Respondents to pay all **retiral benefits** under different heads as well as **arrears of the salary with interest** as admissible and **pension benefits** on regular mode as well as to give all promotional benefits according to law to the petitioner.*

(ii) For any other relief(s) for which the petitioner is found entitled in the eye of law as well as on the facts and circumstances of the instant case as elaborated and stated hereinafter in the larger interest of justice.”

3. During the pendency of the writ petition, the State Government has passed a formal order by which the regularization of the service of the petitioner, along with 66 others, has been rejected. Thus, as per the stand of the State and the University, the retiral benefits cannot be paid as the regularization of the service of the petitioner itself has been rejected by order dated 23.09.2018.

4. In view of the position aforesaid, as prayed for by learned counsel for the petitioner, the writ petition stands disposed off



with liberty to assail the order dated 23.09.2018, in accordance with law, before the appropriate forum.

5. It goes without saying that depending on the result of the petitioner’s challenge to the order dated 23.09.2018, the authorities will be required to consider and pay the admitted retiral dues of the petitioner.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	

