

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13004 of 2018

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Sushil Kumar Sinha, Son of Late Akhauri Gupteshwar Nath Sinha, resident of Mani Mandir, Chand - Chaura, P.S. - Vishnupad, District - Gaya.

.... 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. Financial Advisor, Magadh University, Bodh Gaya.
5. Registrar, Magadh University, Bodh - Gaya.

.... 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: 19-09-2018

Heard learned counsel for the petitioner; State 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, Both Gaya (hereinafter referred to as “the University”) to take steps towards making payment of gratuity in favour of the petitioner which has been illegally withheld by the concerned respondent authorities under the University without there being any just and valid reason in support thereof notwithstanding the fact the petitioner had retired from the services of the University upon attaining the age of superannuation on 31/10/2017 from the post of Storekeeper;

(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the University to make payment of penal interest over and above the amount of gratuity that may be found to be



admissible in favour of the petitioner on account of the undue delay that had been caused in making payment of the same without there being any just and valid reason in support thereof;

(iii) 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 terms of the order dated 11.09.2018, supplementary counter affidavit has been filed on behalf of the University.

4. In terms of the earlier orders, the petitioner appeared before the Registrar of the University on 14.09.2018 and upon being heard and the Registrar verifying it from the records, has found that no liability can be fixed on the petitioner.

5. Accordingly, as a clean chit given by the Registrar, learned counsel for the University fairly submitted that the payment shall now be made within a reasonable period.

6. Learned counsel for the petitioner accepts the fact that the hurdle which was coming in the way of payment to the petitioner now stands resolved.

7. In view thereof, the writ petition stands disposed off with a direction to the respondent no. 5 to ensure that the dues of the petitioner, which are admitted be paid expeditiously and latest within a period of three weeks from today.

(Ahsanuddin Amanullah, J.)

P. Kumar

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