

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1236 of 2018

In
Civil Writ Jurisdiction Case No.15286 of 2014

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Mahendra Mandal son of Late Kashi Mandal, Resident of Village- Balia Basa
Jhanjhari, P.S.- Golpara, District- Madhepura.

... .. Appellant/s

Versus

1. The Bhupendra Narayan Mandal University
2. The Vice- Chancellor, Bhupendra Narayan Mandal University, Lalu Nagar,
Madhepura.
3. The Registrar, Bhupendra Narayan Mandal University, Lalu Nagar,
Madhepura.
4. The Head of the Department of History, Bhupendra Narayan Mandal
University, West Campus, P.G. Centre

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Abhay Shankar Jha, Advocate Mr. Sanjay Kumar Jha, Advocate Mr. Vivek Kumar, Advocate
For the Respondent/s	:	Mr. Ritesh Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-02-2019

Heard Shri Ojha, learned counsel for the appellant and
Shri Ritesh Kumar for the respondent University.

The petitioner came up in the writ petition giving rise
to this appeal for payment of subsistence allowance for the
period of custody from 7th February, 2008 to 2nd August, 2009.
The claim is based on provisions of sub-sections (2) and (3) of
Section 69 which has been quoted by the learned Single Judge
in the impugned judgement. If the statutory provisions are clear



and intended to extend benefit as indicated in the aforesaid provisions then in that event, the learned Single Judge was not correct in arriving at the conclusion that it was beyond the comprehension of law to grant such benefit as it will defeat the object of Section 69. The writ petition was dismissed. We do not find ourselves in agreement with the learned Single Judge in view of what has been stated above, namely that the provisions of Section 69 (2) and (3) clearly mandate payments and, therefore, to that extent the impugned judgement has not appreciated the law correctly.

We, therefore, allow the appeal and set aside the judgement dated 26th of July, 2018 and direct the respondent University to ensure payment in terms of Section 69 (2) and (3) to the appellant within a period of two months from the date of receipt/production of a certified copy of this order.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/Uma/-

AFR/NAFR	NAFR
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