

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6712 of 2019

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Anil Kumar Verma Son of Late Dineshwar Prasad Verma Resident of Village
and P.O. and P.S.- Malaypur, District- Jamui.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna.
2. The Tilka Manjhi Bhagalpur University, Bhagalpur through the Registrar,
Bhagalpur.
3. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
4. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
5. The Principal, J.R.S. College, Jamalpur, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Narsingh Tanti
For the State	:	Mr. Pramod Kumar Singh AC to SC-16
For the T.M.B. University :		Mr. Ashhar Mustafa, Adv.
		Mr. Rashid Izhar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 23-09-2020 Due to COVID-19 Pandemic, the matter is being

taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard the parties.

This writ application has been filed by the petitioner
for issuance of an appropriate writ in the nature of mandamus
by directing the Respondent-authority to make payment of more
than Rs. 18,19,526/- dues regarding retiral benefit, pension and
family pension with interest @ 18% per annum to the petitioner



who is a legal heir of the deceased employee.

In pursuance to the order dated 15-06-2020, a counter affidavit has been filed on behalf of respondents No. 2 to 4. Following statements have been made in paragraphs- 6, 7, 8 & 9 of the counter affidavit:-

6. That from the statement made in the writ application it appears that father of the petitioner retired on 31-01-1991 from the post of teacher from J.R.C. College, Jamalpur. After retirement part of the post retiral dues was paid to him and only gratuity was due. The father of the petitioner died on 19-09-2012 and thereafter mother of the petitioner approached for family pension but she also died on 12-06-2013.

7. That from the statement made in the writ application, it further appears that now the university has already calculated entire claim and accordingly supplied detailed chart of retiral dues, family pension and pension amounting to Rs. 18,19,526/-

8. That it further appears that the university vide its letter No. 1751 dated 05-07-2018 (Annexure-12 to the writ application) directed the petitioner to



submit succession certificate in order to make payment of the aforesaid amount to the petitioner.

9. That in view of facts stated above, the petitioner is required to submit the succession certificate issued by the competent court before the university and accordingly, the writ petition is fit to be dismissed”.

Considering the aforesaid statements made in the counter affidavit, the petitioner will obtain a succession certificate issued by the competent court and produce the same before the competent authority. In case, the petitioner produces succession certificate, the respondents shall be under obligation to make payment of admitted dues to the petitioner within a period of three months from the date of production of succession certificate.

With the aforesaid observation and direction, the present writ application stands disposed of.

(Sudhir Singh, J)

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