

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1637 of 2018

Parbhawati Devi, Wife of Late Manager Mahto @ Mainejar Mahto, (Orderly Peon, Gopeshwar College, Hathwa), Constituent College under JP University, Chapra-841301, Resident of Village- Manichhaper, P.S.- Hathwa, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jai Prakash University Chapra through Registrar, Jai Prakash University Dak Bunglow Road Chapra, District- Saran.
3. The Vice Chancellor, Jai Prakash University, Dak Bunglow Road Chapra, District- Saran.
4. The Registrar, Jai Prakash University, Dak Bunglow Road Chapra, District- Saran.
5. The Finance Officer, Jai Prakash University, Dak Bunglow Road Chapra, District- Saran.
6. The Principal-cum-Professor Incharge, Gopeshwar College, Hathwa, District- Gopalganj, under J P University, Chapra.
7. The Secretary-cum-Commissioner Department of Higher Education, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Labh and Ms. Kumari Archana @ Archana Sinha, Advocates
For the State	:	Mr. Madhaw Prasad Yadav, GP 23
For the J P University	:	Mr. Nagendra Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 22-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Binod Kumar Labh, learned counsel along with Ms. Kumari Archana @ Archana Sinha, learned counsel for the petitioner; Mr. Madhaw Prasad Yadav, leaned GP 23 for the



State and Mr. Nagendra Kumar Singh, learned counsel for the JP University (hereinafter referred to as the 'University').

3. The petitioner has moved the court for the following reliefs:

“(i) For payment of the death cum retiral dues to the wife of Late Manager Mahto @ Mainger Mahto who died in harness on 25.2.1997 while working on the post of orderly peon at Gopeshwar College, Hathwa a constituent college under J.P University Chapra.

(ii) For revising retiral dues etc. and there after direction be issued for payment of enhance arrear and other retiral dues.

(iii) For a direction to the Vice Chancellor of the J.P. University to produce the statement of Bank to show how much interest J.P. University received on the grant released by the Bihar Government for payment to the staff, by withholding payment for long time for gain up interest and the accumulated interest expend in their own way and diverted or spent in which account.

(iv) For grant of statutory interest and also penal interest @ 15% compound interest per annum.

(v) For any other relief or reliefs for which the petitioners is entitled along with the cost of the case.”

4. On 01.06.2020, the Court had recorded the stand of learned counsel for the petitioner that the issue involved in the present case is covered by a Full Bench judgment dated 04.02.2019 in **Mobina Khatoon and Soniya Devi [2019 SCC**



**OnLine Pat 170 / Mobina Khatoon vs. State of Bihar, 2019(1)
PLJR 1015 (Full Bench)].**

5. On that day, both learned counsel for the State as well as the University had taken time to ascertain whether the petitioner is covered by the said Full Bench decision.

6. Today, both learned counsel for the State and learned counsel for the University submitted that the case of the petitioner is covered by the aforesaid Full Bench decision.

7. Learned counsel for the State further submitted that as per the counter affidavit filed by the authorities, compassionate appointment has already been given to the son of the petitioner and, thus, it would be deemed that the service of her husband was regularized. With regard to payment, it was submitted that the University authorities have to do the same.

8. Having regard to the aforesaid, the present application stands disposed off in similar terms to the abovementioned Full Bench decision. The authorities are required to comply with such directions in the case of the petitioner also, within four months from the date of production of a copy of this order before the Vice Chancellor and Registrar of the University.

9. In view of the prevailing situation, the downloaded web copy of the order attested by learned counsel for the parties



shall be enough for the authorities to act upon the same. Further, learned counsel for the University shall also communicate the order to the authorities for compliance within the time frame fixed.

(Ahsanuddin Amanullah, J.)

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