

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19669 of 2018

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Surendra Prasad Rai Son of Late Ganga Vishnu Rai, Resident of Village-Sheopuri, Katira Ara, P.S.- Nawada, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Vice-Chancellor, Veer Kunwar Singh University, Ara.
3. The Registrar, Veer Kunwar Singh University, Ara.
4. The Financial Advisor, Veer Kunwar Singh University, Ara.
5. The Financial Officer, Veer Kunwar Singh University, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nawnit Kumar Tiwary, Advocate
For the Respondent/s : Mr.Madanjeet Kumar -GP-20
Mrs. Nutan Sahay, Advocate (for Univesity)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 02-07-2020 Heard learned counsel for the petitioner, the State and the University.

Learned counsel for the petitioner submits that the petitioner has not been paid the arrears of Group Insurance of Rs.3,05,000/- including compound interest @ 12.5% due from 31.08.2013 and balance amount of difference of arrears of salary Rs.2,36,394/- with 12% interest for delayed payment.

Learned counsel for the University submits that the petitioner has been paid all the dues but instead of compound interest as per the direction of this Court, the petitioner has been paid simple interest. She further submits that the University is



facing financial constrains and requisition has been made to the State Government for allotment of fund so that claim of the petitioner is finalized. Learned counsel for the University with reference to Annexure-C submits that requisition was made to the State but till date there is no response.

The direction of the writ Court in CWJC No. 11219 of 2011 for payment of 12.5% interest on GIC has the approval of the LPA Court and, as such, it cannot be kept in limbo on the ground of financial constrains. The authority of the University are drawing their salary and, therefore, there is no financial constrains. At the same time, the State is under obligation under the Universities Act to provide adequate fund to the University and in the event the University is required additional fund, the State is under obligation to provide additional fund.

Under the aforesaid circumstances, the writ petition is disposed of with direction to the University as well as the State to ensure payment of the interest in terms of the order of this Court in CWJC No. 11219 of 2011 which has been approved in LPA No. 1253 of 2016. (Tilka Manjhi Bhagalpur University & Ors. Vs. Dr. Shyam Sunder Acharia & Ors.) at the earliest preferably within a maximum period of three months from the date of receipt/production of a copy of this order failing which



the petitioner would be entitled to additional interest of 9% from the date of filing of the writ petition till the date of actual payment.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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