

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21037 of 2019

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Rajiva Kant Pathak S/o Late Rati Kant Pathak R/o C-24, Anoop Nagar, Uttam Nagar, West Delhi, Delhi-110059 presently residing at B2 B/4, Janakpuri, New Delhi-800058

... .. Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Govt. of Bihar, Patna
2. The Secretary Higher Education, Govt. of Bihar, Patna
3. The B.R.A. Bihar University Muzaffarpur, through its Vice Chancellor
4. The Registrar B.R.A. Bihar University Muzaffarpur,
5. The J.P. University Chapra through its Vice Chancellor
6. The Registrar J.P. University, Chapra
7. The Principal Incharge Rajendra College, Chapra

... .. Respondents

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Appearance :

For the Petitioner	:	Mr.Shashi Shekhar Tiwary, Advocate
For the State	:	Mr. Abhanjali, AC to GA-12
	:	Smt.Shilpa Singh, GA12
For JP University	:	Mr. Nagendra Kumar Singh, Advocate
For BRA Bihar University:	:	Mr. Vikash Ratan Bharti, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date : 01-07-2020

Heard Mr. Shashi Shekhar Tiwary, learned counsel for the petitioner, Smt. Abhanjali, learned AC to GA-12 for the State, Mr. Nagendra Kumar Singh, learned counsel appearing for JP University, Chapra and Mr. Vikash Ratan Bharti, learned counsel for BRA Bihar University, Muzaffarpur via video conferencing.

2. The present writ petition has been filed by



the petitioner for payment of post retiral and other admissible dues, who superannuated as an associate professor from Rajendra College, Chapra with effect from 31.12.2018.

3. Respondent nos. 1 and 2 have filed a counter affidavit stating therein that the State Government in Education Department has been regularly releasing grants-in-aid to the universities for making payments of salary as well as retirement benefits for its employees, who have been working in legal and valid manner. The universities are required to disburse these amounts to its employees in accordance with law.

4. The BRA Bihar University, Muzaffarpur has filed its counter affidavit stating therein that a meeting was held on 16.09.2018 between the Registrar, Financial Advisor and other other officials of BRA Bihar University, Muzaffarpur and JP University, Chapra wherein it was resolved that the claims of the petitioner prior to October, 1992 relating to BRA Bihar University be made on priority out of the funds released in favour of JP University. It would be the sole responsibility of JP University, Chapra to check the claim of the petitioner prior to payment and to send the utilization.

5. A counter affidavit has been filed on behalf of respondent nos. 5 to 7 wherein it is stated that the finance



section of the university examined the claim of the petitioner and after verification an amount of Rs.10,00,000/- under the head gratuity and an amount of Rs.17,79,616/- under the head earned leave has been paid to him.

6. Further para-8 of the counter affidavit of respondent nos. 5 to 7 reads as under:-

“That with regard to payment of remaining admissible dues to the petitioner it is stated that the Finance Department of the University is taking all the efforts to pay the admissible dues to the petitioner.”

7. Mr. Nagendra Kumar Singh, learned counsel appearing for JP University, Chapra submitted that the remaining admissible dues amount would be paid to the petitioner within a period of six weeks.

8. Considering the stand taken on behalf of the parties, the application is disposed of with a direction to the respondent nos. 5 to 7 to ensure that all the retiral dues, which the petitioner is entitled to, are paid to him within a period of two months from today. It is further directed that the petitioner would be at liberty to raise his grievance before the respondent no. 6 making representation, if according to him the amount, which has been paid to him, is less than what he is actually



entitled to. If he makes such a representation, the same shall be considered and disposed of by a reasoned order within a month from the date of making representation.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.07.2020
Transmission Date	

