

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 955 of 2020

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Ram Swarath Thakur @ Matwala, Male aged about 82 years, Son of Sri Brahmddeo Thakur, Resident of Shastri Kala Bhawan, Bengali Tola, Ward No. 25, Samastipur, District- Samastipur, Pin-848101 Formerly- Retired Lecturer, Department of Music, Women's College, Samastipur Under Lalit Narayan Mithila University (Darbhanga).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna, Bihar.
2. The Lalit Narayan Mithila University Darbhanga through its Registrar, Kameshwaranagar, Darbhanga, Bihar.
3. The Vice Chancellor Lalit Narayan Mithila University, Kameshwaranagar, Darbhanga, Bihar.
4. The Registrar Lalit Narayan Mithila University, Kameshwaranagar, Darbhanga, Bihar.
5. The Principal Women's College, Samastipur, District- Samastipur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhay Shankar Singh, Advocate
For the University	:	Ms. Alka Verma, Advocate
For the State	:	Mr. Amit Bhushan AC to GP 17

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 29-01-2020

Heard learned counsel for the petitioner; learned AC to GP 17 for the State and learned counsel for the Lalit Narayan Mithila University, Darbhanga (hereinafter referred to as the 'University').

2. The petitioner has moved the Court for the following relief:



“That through this writ petition the petitioner beseeches indulgence of this Hon’ble court to issue a writ in nature of certiorari or appropriate writ/orders to quash the order dated 18.03.2019 passed by L.N.M.U in compliance of order dated 17.01.2019 of Hon’ble Chancellor whereunder university has passed an unreasonable, vague and illegal order in derogation of direction of Hon’ble Chancellor to reconsider the matter and to record the findings. The University neither recorded the findings nor altered its earlier order without stating reasons for it and thereby rejected the retirement benefit claims of the petitioner. The petitioner further prays for a direction in nature of Mandamus to the respondent university to treat the full service period of petitioner as lecturer in Dept. of Music, as regular absorbed service and accordingly extend all retirement benefits to him. It is important to mention here that the university already has paid full salary and G.P.F. to petitioner till his retirement on 30.06.1997 treating service tenure of petitioner as regular in light of order dated 17.09.2014 passed in C.W.J.C. No. 20173 of 2013 by this Hon’ble court. But retirement benefits including pension has not been given due to malafide and discriminatory attitude of respondents in violation of fundamental rights of petitioner guaranteed under Article 14, 16 and 21 of the constitution of India whereas similar situated persons of same department/college have already been given the same in 2016 itself in light of Uma Devi case 2006 (2) PLJR (SC) 363. The representation filed by the petitioner has been totally ignored and not given any attention leaving this petitioner, a 82 year old retired senior citizen, with no option but to approach this Hon’ble court for redressal of his grievances.

3. Though, learned counsel for the petitioner has tried to impress upon the Court that pursuant to the matter being remanded



by the Hon'ble Chancellor of the University to the Vice Chancellor of the University, for considering the grievance of the petitioner relating to payment of his retiral dues, the Vice Chancellor of the University has passed an order which is absolutely without any application of mind and requires interference.

4. In the considered opinion of the Court, such issue on merits cannot be gone into in the present application, for the following reasons.

5. Initially, the petitioner had moved the Court in CWJC No. 12029 of 1996, in which by judgment dated 05.08.2010, with regard to dispute relating to payment, the same was disposed off and thereafter when again the petitioner moved in CWJC No. 20173 of 2013 for payment of his retiral dues, the writ petition was disposed off by order dated 17.09.2014 directing the University that besides salary for the period indicated, they will also pay GPF to the petitioner, and with regard to his claim for pension and other entitlement, liberty was given to file a fresh writ application. The petitioner chose not to avail of the same and rather approached the Hon'ble Chancellor who asked the petitioner to move before the Vice Chancellor by filing appeal. Once choice has been made by the petitioner to approach the Hon'ble Chancellor and pursuant thereto an order has been passed, in the considered opinion of the



Court, the present writ petition cannot be entertained on the basis of liberty given in CWJC No. 20173 of 2013 on 17.09.2014.

6. In view thereof, the writ petition stands disposed off. However, it shall be open to the petitioner to move before the appropriate forum, in accordance with law.

(Ahsanuddin Amanullah, J.)

Anand Kr.

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