

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19022 of 2018

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Shaligram Singh S/o Late Medini Singh, resident of Village- Madhurapur,
P.S.- Teghra, District- Begusarai, retired as Head Accountant from A.P.S.M.
College, Barauni, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Higher Education, Government of Bihar, New Secretariat,
Patna.
3. The Vice- Chancellor, L.N.Mithila University, Darbhanga.
4. The Registrar, L.N. Mithila University, Darbhanga.
5. The Finance Officer, L.N. Mithila University, Darbhanga.
6. The Principal, A.P.S.M. College, Barauni, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Singh, Advocate
For the Respondent/s	:	Mr.Madanjeet Kumar -GP-20
		Dr. Ansuman, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 09-06-2020 Yesterday after hearing the parties the order was dictated but Mr. Shashi Bhushan Singh, learned counsel for the petitioner has mentioned that he has not been heard as he was engaged in other court room and on his request the case has been listed today.

The grievance of the petitioner relates to post retiral dues.

The petitioner superannuated on 31st December, 2003.
He claims that after the judgment of the Supreme Court in the case of **The State of Bihar Vs. Sunny Prakash: (2013) 3 SCC**



559 the Statutory Committee of the University has determined the entitlement of the petitioner vide annexure-3 and 3/1 but the Pay Verification Cell of the Education Department, having no jurisdiction, has interfered with Annexure 3 and 3/1.

Dr. Anshuman, learned counsel for the University submits that the judgment of the Apex Court in the case of Sunny Prakash (supra) is binding on the University and the University is obliged to follow the judgment of the Apex Court.

Counsel appearing on behalf of the State cannot dispute that position that the judgment of the Apex Court is binding on the University and State.

Considering the totality of the fact situation, the University is directed to determine the entitlement of the petitioner afresh strictly in accordance with the judgment of the Apex Court in Sunny Prakash (supra). The entire exercise as to determination of entitlement of the petitioner shall be completed afresh by the University and the State is obliged to provide adequate fund to the University so that the arrears as well as the current pension is paid to the petitioner strictly in accordance with the judgment of the Apex Court in the case of Sunny Prakash (supra). Necessary action in furtherance of the direction issued by the Apex Court must be completed by the University



as well as the State within the time frame of three months and the petitioner should be paid entire dues within the aforesaid 90 days failing which the petitioner shall be entitled to interest at the rate of 9% from the date of filing of the writ petition i.e. 19.9.2018 till the date of actual payment.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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