

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17778 of 2018

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Arjun Poddar, S/o Late Laxmi Poddar, R/o Village- Abjuganj, P.S.-Sultanganj,
District-Bhagalpur.

... .. Petitioner/s

Versus

1. The T. M. Bhagalpur University, through its Registrar
2. The Vice-Chancellor, T.M. Bhagalpur University, Bhagalpur.
3. The Financial Advisor, T.M.BHagalpur University, Bhagalpur.
4. The Finance Officer, T.M. Bhagalpur University, Bhagarpur.
5. The University Auditor, T.M. Bhagalpur University, Bhagalpur.
6. The Principal, B.R.M. College, Munger, Town and District-Munger.
7. The State of Bihar, through the Principal Secretary, Education Department,
Government of BIhar, New Secretariat, Patna
8. The Director, Department of Higher Education, Govt. of Bihar, Patna.
9. The Hon'ble Chancellor Universities, Raj Bhawan, Patna through the
Principal Secretary of the Hon'bl Chancellor of Universities.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Purushottam Kumar Jha
For the Respondent/s : Mr.Ashutosh Ranjan Pandey -Aag15

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 27-02-2020 With the consent of the parties, the present petition,

on a mention memo, is taken up before this Bench.

Learned counsel for the parties prayed that the matter

be heard by this Bench.



Heard the learned counsel for the petitioner and
learned counsel for the respondents.

Petitioner has prayed for the following reliefs:-

“(i) To hold and declare that the case of
petitioner is squarely covered with the judgment
and order of Division Bench of this Court dated
29.02.2016 passed in LPA No. 1844 of 2012,
which has attained finality by virtue of the
dismissal of S.L.P. (C) NO. 22619 of 2016 by
order dated 08.08.2016.

(ii) Issuance of an Order, Direction or a Writ in
the nature of Mandamus commanding the
authorities concerned of the Respondent
University to make the payment of petitioner’s
all the unpaid post retirement claims, upon its
proper fixation, strictly in accordance with the
law laid down by orders dated 7th August, 2008
and 28th August 2008 in CWJC No. 10870 of
2008 (In the Matter of Letter of Sunny Prakash
Vs. The State of Bihar & Ors.), which has been
affirmed by the Apex Court by order dated
January 18, 2013 passed in Civil Appeal No. 516



of 2013 (State of Bihar & another Vs. Sunny Prakash & Ors.), and consequent upon such calculation the Respondents concerned may be suitably directed to ensure the payment of all the unpaid Pre and Post -retirement claims to the petitioner, that too, upon supplying the detailed statement of account of said claims to the petitioner in advance.

(iii) Issuance of an order/ direction or a writ in the nature of mandamus commanding the Respondents concerned to make the payment of penal interest over the said unpaid pre and post retirement claims of the petitioner at least @ 12 % per annum, apart from the payment of statutory interest over petitioner's claim of pension and gratuity @ 5 % per annum.

(iv) To hold and declare that the action of the Respondents concerned in not making the payment of petitioner's post retirement claims of the petitioner is highly illegal, arbitrary, malafide, malacious and unsustainable in the eye of law and on facts both and is fit to be



deprecated by this Court in strong words.”

After the matter was heard for sometime, learned counsel for the petitioner submits that the petitioner shall be content if a direction is issued to the respondent-University to consider and decide the petitioner’s case in the light of the judgment dated 29.02.2016 rendered by this Court in L.P.A. No. 1844 of 2012 titled as Jwala Prasad Singh and The State of Bihar & Ors, for according to the petitioner this case is purely covered with the said decision.

Without going into the factual matrix, leaving all questions open, this Court directs the respondent-University to positively consider petitioner’s case in the light of judgment rendered in L.P.A. No. 1844 of 2012 titled as Jwala Prasad Singh and The State of Bihar & Ors, supra within a period of four weeks from the date of receipt/production of a copy of this Order before the respondent-University.

Needless to add that we have not expressed any opinion on the merits of the case, for it is submitted that petitioner’s case is fully covered by the judgment rendered in the case of L.P.A. supra.

All consequential actions, payment of interest shall be done within a period of one month thereof.



Liberty reserved to the petitioner to take recourse to
any such alternative remedies as are otherwise available in
accordance with law, if, so desired.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv/-

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