

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2106 of 2019

Dr. Ram Sagar Singh, S/o Late Chandrika Prasad Singh, Permanent Resident of Village- Lagma Via Mangalgarh, District- Samastipur, Presently residing at Tirhut Colony, Ward No. 21, P.S.- Madhubani, retired as Associate Professor in the Department of Botany, J.N. College, Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna
2. Principal Secretary, Education Department, Govt. 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 Bihar
6. The Principal, J.N. College Madhubani, District Madhubani

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1788 of 2019

Binda Devi, W/o Late Akhileshwar Prasad Singh, resident of- Maheshbara, Ward No. 5, Via- Manjhaul, P.S.- Manjhaul, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Vice- Chancellor, Lalit Narayan Mithila University, Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Darbhanga.
6. The Principal, R.C.S. College, Manjhaul, Begusarai.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 2106 of 2019)

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate

For the Respondent/s : Smt. Shilpa Singh (GA-12)

(In Civil Writ Jurisdiction Case No. 1788 of 2019)

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate

For the Respondent/s : Mr. Md. Nadim Seraj

For the University : Mr. Shailesh Kumar, Advocate



CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 08-07-2021

Heard learned counsel for the petitioners and the respondents.

2. The Court failed to understand the attitude of the respondent authorities notwithstanding the fact that this Court authoritatively decided the issue in the case of teaching staff of the University and thereafter the DA and HRA has been paid by the University to similarly circumstanced other teaching staff, but unfortunately in the case of the petitioners, objection has been raised that in one of the matters, the University has preferred L.P.A. No. 333 of 2019. We are in 2021. Till date, there is no stay order against the order passed by writ Court, yet on the ground of pendency of the L.P.A. the respondents are denying payment of DA and HRA to the teachers, who retired long back.

3. In the aforesaid circumstances, the Court is constrained to direct the respondent University to get the order of the writ Court stayed, modified or set aside by the LPA Court within a period of three months, failing which the respondents have to pay the entire DA and HRA provisionally, which will abide by the final outcome of the order passed by the L.P.A. Court.

4. The University and the State Government have to give an undertaking to this Court that they will pay the entire



amount subject to the final outcome of the L.P.A. or the Vice-chancellor of the University and the Principal Secretary of the Education Department if not ready to pay DA, HRA provisionally in that event they shall be saddled with exemplary cost.

5. In the event, the L.P.A. is decided against the appellant, the University as well as respondent State will have to make payment of interest at the rate of 20% per annum on DA and HRA from the date of retirement till the date of actual payment.

6. With the aforesaid, both the writ applications stand disposed of.

(Anil Kumar Upadhyay, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.07.2021
Transmission Date	NA

