

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Civil Writ Jurisdiction Case No.12184 of 2019**

1. Dr. Sarjug Prasad alias Dr. Saryug Prasad Son of Late Sheocharan Prasad R/o Professor Colony, Udantpuri, Biharsharif, District-Nalanda
2. Dr. Surendra Kumar S/o Late Motichand Prasad R/o Princess Villa, Nalanda Colony, Biharsharif, Nalanda

... .. Petitioners

Versus

1. The State of Bihar through its Principal Secretary, Education Department, Government of Bihar, New Secretariat Building, Patna
2. The Vice-Chancellor Magadh University, Bodh Gaya, Gaya
3. The Registrar Magadh University, Bodh Gaya
4. The Finance Officer Magadh Division, Bodh Gaya
5. The Principal Sardar Patel Memorial College, Udantpuri, Biharsharif, Nalanda

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Vidya Sagar, Advocate
For the Magadh University	:	Mr. Arabind Nath Pandey, Advocate
For the Respondent/s	:	Mr. Sameer Kumar, AC to SC16

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 12-04-2021 Heard learned counsel for the petitioners, learned counsel for the University and learned A.C. to S.C.-16 for the State.

The two petitioners in the present case are seeking a writ in the nature of writ of mandamus commanding the respondents particularly, the respondent nos. 2, 3, 4 and 5 to make payment of the interest amount at the rate of 12% per annum for the delayed payment of the provident fund amount to the petitioners.



Learned counsel for the petitioners submits that the petitioner no. 1 retired on 31.01.2009 from the post of Professor in the Department of Political Science from Sardar Patel Memorial College, Udanpuri, Biharsharif, Nalanda (Respondent No. 5) whereas petitioner no. 2 retired on 31.12.2005 as Professor in the Department of Zoology.

The petitioners had earlier round of litigation which are subject matter of records. The judgments of this Court in C.W.J.C. No. 5734 of 1994 and the contempt application arising out of the same being M.J.C. No. 3687 of 2012 and M.J.C. No. 4814 of 2013 have been placed before this Court. The orders passed in those proceedings have led to the payment of the provident fund amount to the petitioners but the grievance of the petitioners remain for the reason that the petitioners have been paid interest at the rate of 5 % only for the period the provident fund amount were being deposited in the bank account during their service period. In fact, in this case what is evident is that the provident fund account was not maintained with the provident fund organisation. The University was managing the provident fund and for that reason the interest applicable to the account has been allowed to the petitioners.

It is admitted position that the petitioners have been



paid their provident fund amount on or about 06.08.2015. Annexure 'R/1' brought on the record with the counter affidavit of the Magadh University, Bodh Gaya is the auditor's certificate and going through the same, this Court has noticed that the interest accumulated in the account of petitioner no. 1 was found at Rs. 1,29,310/- whereas in the account of petitioner no. 2 it was Rs. 1,07,349/-. This accumulated interest amount were liable to be paid to the petitioners after their superannuation within a reasonable period but from Annexure 'R/1' it is further evident that the college made only part payment of the said interest amount leaving a dues of Rs. 53,047/- and Rs. 54,805/- which were liable to be paid to the petitioner nos. 1 and 2 respectively.

Learned counsel for the University does not dispute and has not brought to the notice of this Court any material to show that the University has paid interest for the delayed period on the provident fund amount and the interest which were accumulated in the said account but not paid within a reasonable period after superannuation.

Learned counsel for the petitioner has drawn the attention of this Court towards the statements made in paragraph '23' of the writ application wherein it is categorically stated that



a similarly situated person, namely, Rudradeo Narayan Singh had been paid interest at the rate of 12% for the delayed payment of the provident fund amount in the light of the direction of this Court in C.W.J.C. No. 7880 of 2000.

The statement made in paragraph '23' of the writ application has not been denied by the respondents.

In the admitted facts of this case that the University has not paid the entire dues of the petitioners (provident fund plus interest thereon) within a reasonable period and the petitioners had to fight litigations in order to recover those amount. This Court is, therefore, of the considered opinion that the petitioners are entitled for interest over the amount which were due to them on their superannuation but were not paid for several years.

This Court is also conscious of the fact that during the year 2005 and 2009 up to the year 2015, the interest rate on fixed deposits were not less than 12% per annum. Since the petitioners have been deprived of their otherwise lawful dues for a substantial period and this money they were expecting at the evening of their life, the deprivation is in fact in the nature of violation of their fundamental rights, this Court directs the respondent nos. 2 to 5 to pay interest at the rate of 12% per



annum to the petitioners on the amount which were due to them on their superannuation but were not paid within a reasonable time i.e. within a period of three months from the date of their superannuation.

Let the amount be calculated accordingly and payment be made to the petitioners within a period of two months from the date of receipt/production of a copy of this order.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

Rishi/-

U			
---	--	--	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

