

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23352 of 2018

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Surya Narayan Jha S/o Late Abhay Nath Jha R/o Ghoghardiha, P.S-
Ghogharidiha, Dist-Madhubani, retired as Reader in the subject of Political
Science, C.M.B. College, Deorh, Ghoghardiha, Dist-Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Vice-Chancellor, L.N Mithila University, Darbhanga.
3. The Registrar, Lalit Narayan Mithila University, Darbhanga.
4. The Finance Officer, Lalit Narayan Mithila University, Darbhanga.
5. The Principal, C.M.B College, Deorh, Ghoghardiha, District Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Singh, Adv.
For the State	:	Mr. Binita Singh, SC-28
For the LNMU	:	Mr. Shailesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

13 20-06-2022 Though the present writ petition has been

filed seeking various reliefs regarding payment of

the retiral dues and other admitted dues, however,

now the lis in the present case has boiled down to

the following issues:-

(i) Payment of leave encashment
amount for 246 days instead of 137
days, to the extent whereof payment
has been made.

(ii) payment of group insurance amount
along with interest @ 12.5% instead of
8%, which has been paid to the
petitioner.

(iii) DA and HRA on the revised pay-



scale with effect from 1.1.2006.

As far as the issue in question at (i) above is concerned, the learned counsel for the petitioner has referred to a judgment dated 31.8.2015 rendered in the case of Dr. Shyam Sunder Acharia vs. The State of Bihar & Ors. passed in CWJC No. 11219 of 2011 to submit that the mode of calculation, which is required to be followed by the Respondent-University, has been prescribed in the said judgment, hence, the Respondent-University be directed to recalculate the amount of leave encashment, accordingly. In this regard, this Court finds that since the issue in question is factual in nature, it would be appropriate to grant liberty to the petitioner to approach the Registrar, Lalit Narayan Mithila University, Darbhanga, by filing appropriate representation within a period of eight weeks from today, which shall be considered in accordance with law and disposed of within a period of eight weeks, thereafter.

Now, coming to the issue No. (ii), this Court finds that though the present case is squarely



covered by a judgment dated 6.10.2021 rendered by a coordinate Bench of this Court in the case of Devata Devi vs. The State of Bihar & Ors. (CWJC No. 6672 of 2019) wherein the Universities have been directed to pay interest @ 12.5% on the group insurance amount, however, the learned counsel for the Respondent-State has pointed out that the said issue is being considered by the learned Division of this Court in LPA No. 138 of 2022 (Lalit Narayan Mithila University kameshwar Nagar, Darbhang & Ors. vs. Ram Shankar Pd. Singh).

Accordingly, this Court deems it fit and proper to grant liberty to the petitioner to agitate the said issue after the final decision is rendered by the learned Division Bench of this Court in the aforesaid LPA No. 138 of 2022.

As far as the issue no. (iii) is concerned, the learned counsel for the petitioner has referred to a judgment dated 7.8.2018 rendered by a coordinate Bench of this Court in CWJC No. 17983 of 2016 (Dr. Vijay Prasad Singh vs. The State of Bihar & Ors.)



whereby & whereunder, the Respondents-University has been directed to pay DR and HRA on the revised pay-scale. It is also submitted that against the said order, an appeal was filed bearing LPA No. 333 of 2019 (Lalit Naryan Mithila University vs. The State of Bihar & Ors.), which has also stood dismissed by the learned Division Bench of this Court vide order dated 8.9.2021, which is not controverted by the learned counsel for the respondents.

Having regard to the facts and circumstances of the case, as far as issue no. (iii) is concerned, the present writ petition is allowed and the Respondents are directed to make payment of DR and HRA for the period of 1.1.2006 to 30.6.2009 on the revised pay-scale within a period of six weeks from today.

The writ petition stands partly allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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