

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9665 of 2021

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Harihar Prasad Singh Son of Late Shiv Barat Singh Resident of Village-
Shahmal Khaira Deo, P.O.- Balathari, P.S.- Kochas, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, New Secretariat, Patna.
2. The Vice Chancellor, Veer Kunwar Singh University, Ara.
3. The Registrar, Veer Kunwar Singh University, Ara.
4. The Principal, Sachidanand College, Shahmal, Khairadeo, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Adv.
For the Respondent/s : Mr. Jai Prabhat Kishore, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 23-06-2022 The present writ petition has been filed for directing the Respondent-University to grant retiral benefits to the petitioner, who has superannuated on 30.11.2015 from the post of Steno, S.N.Shahmal Khairadeo College, Rohtas.

The learned counsel for the petitioner has submitted that though the petitioner was terminated by the Respondent-University on the directions of the State Government vide order dated 22.8.2017 whereby and whereunder the petitioner's college was directed not to take any work from the petitioner and other similarly



situated persons, the petitioner had then filed a writ petition bearing CWJC No. 13728 of 2017, which was allowed by a coordinate Bench of this Court vide judgment dated 16.9.2019 and the order contained in memo no. 1386 dated 29.6.2019, issued by the Additional Chief Secretary, as also the follow up decision of the University, contained in Memo No. 1909 dated 15.7.2019, whereby the Principal of the concerned College was directed to dispense with the services of the petitioner and others were quashed and the petitioner herein including others were directed to be reinstated.

It appears that the said judgment dated 16.9.2019 was challenged by the Respondent-University before the learned Division Bench of this Court in LPA No. 313 of 2021, however, it is the joint submission of the learned counsel for the petitioner as also the Respondent-University that no stay has been granted in the said appeal as far as the impugned judgment dated 16.9.2019 is concerned.



The learned counsel for the petitioner has further submitted that the date of entry of the petitioner in the services of the college as also the date of his retirement, upon completion of 62 years of age, is not in dispute, hence, the petitioner is required to be paid retiral benefits, specially since some of the similarly situated retired employees have already been paid retiral benefits by the University, subject to the result of the appeal filed by the Respondent-University. In this regard, the learned counsel for the petitioner has referred to several such orders, passed by coordinate Benches of this Court whereby directions have been issued for grant of retiral benefits to the similarly situated employees, some of such orders being the one dated 23.3.2021 passed in CWJC No. 6257 of 2019 and the one dated 16.5.2022 passed in CWJC No. 16112 of 2022.

The learned counsel for the University, Sri Ritesh Kumar, has not disputed the aforesaid facts, stated by the learned counsel for the petitioner.

At this juncture, the learned counsel for



the petitioner submits that orders be passed in the present case on similar terms, as has been passed by the learned Coordinate Benches of this Court in the aforesaid cases with regard to payment of retiral benefits and for that purpose he is offering an undertaking, on instructions from the petitioner, that in case, the appeal filed by the University succeeds, the petitioner would refund and pay back the amount of retiral dues to be paid to the petitioner herein.

Having regard to the facts and circumstances of the case, considering the orders / judgments passed by the learned coordinate Benches of this Court in CWJC No. 6257 of 2019 and CWJC No. 16112 of 2022, I deem it fit and proper to direct the petitioner to furnish an undertaking before the Registrar, Veer Kunwar Singh University, Ara, regarding him being willing to return back the amount to be paid to him on the head of the retiral dues, in case the University succeeds in the aforesaid Appeal filed by it against the judgment dated 16.9.2019, passed by a



coordinate Bench of this Court in the case of the petitioner herein. It is further directed that immediately upon submission of the said undertaking by the petitioner before the Registrar, Veer Kunwar Singh University, Ara, the University shall make payment of the entire pensionary benefits i.e. pension, gratuity and leave encashment to the petitioner herein, except the amount of GPF and group insurance, which has already stood paid to the petitioner herein, within a period of two months of the petitioner submitting the requisite undertaking before the Registrar of the Respondent-University.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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