

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12122 of 2018

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Shriniwas Prasad Singh S/o Late Balmiki Prasad Singh, resident of 'Prabha Niwas, Sarboday Nagar Begusarai, P.S.- Begusarai, District- Begusarai, retired as Reader and Head of the Department of Chemistry, in R.C.S. College, Manjhaul, a Constituent Unit of L.N. Mithila University, Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
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.
7. The Director Higher Education, Patna, Bihar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 12908 of 2018

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Sheo Shankar Singh S/o Sri Banarsi Singh resident of Panch Mahala Tola, Ward No. 07, P.S. - Manjhaul, District - Begusarai, retired as Associate Professor in the subject of Ancient History in R.C.S. College, Manjhaul, a constituent unit of L.N.Mithila University, Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
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.
7. The Director, Higher Education, Patna, Bihar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13008 of 2018

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Dr. Bijay Mohan Prasad Singh S/o Late Nandan Prasad Singh resident of village - Chandpura, Naokothi, P.S. - Begusarai, District - Begusarai, retired



as Associate Professor in the subject of Psychology in G.D. College,
Begusarai, a constituent unit of L.N.Mithila University, Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
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, G.D. College, Begusarai.
7. The Director, Higher Education, Patna, Bihar.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 12122 of 2018)

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate.
For the Respondent/s : Mr. Nishant Kumar Jha, AC to SC-28
For the University : Mr. Nadim Seraj, Advocate with
Mr. Shahbaz Alam, Advocate.

(In Civil Writ Jurisdiction Case No. 12908 of 2018)

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate.
For the Respondent/s : Mr. Rajeev Ranjan AC to GP-20
For the University : Mr. Nadim Seraj, Advocate.
Mr. Santosh Kr. Yadav, Advocate.
Mr. Shahbaz Alam, Advocate.

(In Civil Writ Jurisdiction Case No. 13008 of 2018)

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate.
For the Respondent/s : Mr. Madhaw Pd. Yadav- GP-23
Mr. Sanjay Kumar, AC to GP-23
For the University : Mr. Iqbal Asif Naizi, Advocate.
Mr. Shahbaz Alam, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

14 20-12-2022 Heard learned counsels for the parties.

In compliance of the order of this Court, a counter
affidavit has been filed duly sworn by the Director, Higher
Education, Bihar, Patna.

It has been categorically stated that so far the sanction
and release of grant for payment of arrears of pension and post



retiral dues for the period 01.04.2017 to 31.03.2019 on account of revision of pension in 7th pay scale in respect of other Universities including Lalit Narayan Mithila University is concerned, the same is under process. The deponent prayed for further eight weeks' time to ensure the release of fund for payment of difference of gratuity and earned leave.

Having carefully gone through the counter affidavit, this Court is not found any response to the query made by this Court whereby it has been specifically asked to clarify as to why not till date the fund has been allowed for payment of enhanced gratuity to the employees, who superannuated much earlier to those, who are getting the benefit of enhanced gratuity, even though superannuated in the year, 2021.

Mr. Madhaw Prasad Yadaw, learned GP 23 for the State submits that the answering respondent will certainly ensure that within eight weeks the fund would be released so that the admissible enhanced earned leave as well as gratuity would be paid to the petitioner.

Considering the submissions made on behalf of the learned counsels for the parties and especially the undertaking given by the Director Higher Education, Bihar, Patna, the matters are being disposed of with a direction to the respondent



no. 2 to ensure the payment of admissible gratuity and earned leave with admissible interest, which has been allowed to the other similarly situated persons, preferably within a period of eight weeks, failing which appropriate order would be passed against the erring officials.

It is needless to say that if the present order would not be complied, serious view shall be taken against the erring officials.

Accordingly, the present writ petition disposed of with the aforesaid direction.

(Harish Kumar, J)

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