

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9503 of 2022

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Babudhan Singh Son of Late Suchit Singh, Resident of Village- Indrahiya,
P.S.- Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Department of Higher Education, Government of Bihar, Patna.
3. The Vice-Chancellor, Veer Kunwar Singh University, Ara.
4. The Registrar, Veer Kunwar Singh University, Ara.
5. Finance Officer, Veer Kunwar Singh University, Ara.
6. The Principal, S.N. College, Shahamal Khaira- Deo, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suryakant Kumar, Advocate
For the Respondent/s	:	Mr. Hari Mohan Mishra (AC to GP 27)
For the V.K.S.U	:	Mrs. Nutan Sahay, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-11-2022 Heard Mr. Suryakant Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Hari Mohan Mishra, AC to GP 27 learned Government pleader no. 27 as well as Mrs. Nutan Sahay, learned counsel appearing on behalf of the respondent V.K.S.U.

The present application has been filed seeking direction to the respondents to make payment of arrears of salary and post retiral dues including pension, gratuity, GPF, Leave Salary, Group Insurance with statutory interest.

It is submitted on behalf of the learned counsel for the petitioner that the petitioner was appointed on the post of Office



Assistant on 01.03.1979 in S.N. College, Shahamal, Khair-Deo, Rohtas, which college was later on became a constituent unit of Magadh University in the year 1980 and subsequently it came under Veer Kunwar Singh University after carving it out from Magadh University. He further contended that the petitioner was duly appointed by the Vice Chancellor of the University in accordance with the provisions of Section 10(6) of the Bihar Universities Act, 1976 and after serving more than 30 years, he superannuated on 31.05.2018. He further contended that the petitioner superannuated from the service in the year 2018 and till date of his retirement no proceeding had ever been initiated against him. It is only after his retirement from service, the vigilance enquiry was set-up to enquire into the matter regarding appointment and regularization of non-teaching employees made by the Veer Kunwar Singh University in the year 2011, 2012 and 2013. He next submits that pursuant to the direction of Additional Chief Secretary, Department of Education, Government of Bihar and the follow up decision of the University, the Principal of the concerned college were directed to dispense with the services of all 129 non-teaching employees including this petitioner. The orders of Additional Chief Secretary and the University were challenged in CWJC



No. 12657 of 2017 and other analogous matters. The learned co-ordinate Bench of this Court on 16.09.2019 quashed the aforesaid order passed by the Additional Chief Secretary and the University. He next submits that on being aggrieved by the order passed by the learned co-ordinate Bench of this Court, the State and the University have preferred LPA No. 225 of 2019, LPA No. 55 of 2020 and other analogous cases, which are pending consideration before the Division Bench of this Court. He next submits that out of 129 non-teaching employees, various persons approached before this Court for payment of their post retiral dues and taking into consideration the undertaking given by them that they would be abide by the order/judgment passed by the Division Bench of this Court, post retiral dues have been paid to them. He next contended that the case of the petitioner is similar to that of Rajgriha Sharma and Santosh Kumar Singh, who have approached before this Court by filing CWJC No. 6257 of 2019 and 861 of 2021 respectively. The aforesaid submissions of the petitioners have not been confronted by learned counsel for the State as well as the University.

In view of the submissions made on behalf of the learned counsel for the petitioner, the present application is being disposed of with a direction to the petitioner to submit his



undertaking before the concerned respondent and in case such undertaking would be filed on behalf of the petitioner, necessary order for payment of entire pensionary benefit would be passed and paid to the petitioner, if the case of the petitioner would found similar to Rajgriha Sharma and Santosh Kumar Singh as has been stated hereinabove.

The aforesaid exercise must be done within a period of eight weeks from the date of receipt/production of this Order along with the undertaking of the petitioner.

At this juncture, learned counsel for the University submits that in case any requisition would be filed for necessary fund, the State would be obliged to examine and honour the same.

Accordingly, the present application stands disposed of with the aforesaid observation.

(Harish Kumar, J)

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