

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1715 of 2018

In
Civil Writ Jurisdiction Case No.17765 of 2018

-
-
1. Lalit Narayan Mithila University
 2. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga
 3. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga

... .. Appellant/s

Versus

1. Raj Narayan Sah, Son of Late Asharfi Sah Resident of Village - Kothiya, P.S.- NH Bangra, District - Samastipur
2. The State of Bihar through the Commissioner cum Secretary, Human Resources Department Higher Education
3. The Director, Higher Education, Government of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Md. Nadim Seraj, Adv
For the Respondent No. 1.	:	Mr. Ranjit Kumar, Adv.
For the State	:	Mr. Priyadarshi Maitri Sharan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

7 13-12-2022 Heard Mr. Nadim Seraj, the learned Advocate for the appellant/Lalit Narayan Mithila University and Mr. Ranjan Kumar for the respondent no. 1(the writ petitioner). The State is represented by Mr. Priyadarshi Maitri Sharan.

The appellant / University is aggrieved by the imposition of personal cost of Rs. 10,000/- on the Registrar of the University for non compliance of the order dated



11.09.2018.

On 11.09.2018, the learned Single Judge, after hearing the writ petition, directed the University for filing counter affidavit showing payment of admitted dues of the respondent no. 1 (writ petitioner) and the matter was directed to be listed on 31.10.2018.

On 31.10.2018, at the instance of the University, the matter was adjourned to 20.11.2018.

On 20.11.2018, the Court, on finding that the admitted dues of the writ petitioner was not paid, directed for imposition of personal cost of Rs. 10,000/- on the Registrar of the L.N. Mithila University, to be deposited in the Juvenile Justice fund of the State Social Welfare Department, Govt. of Bihar.

The appellant / University has not paid that amount on the pretext of the present appeal having been filed on 07.12.2018.

The Co-ordinate Bench hearing the matter had directed the appellant to bring on record the schedule of payment disbursed to the writ petitioner / respondent no. 1.



The Interlocutory Application No. 02/2022 filed by the appellant discloses that between 11.09.2018 and 20.11.2018 when aforesaid cost was imposed, the University had made payment of Group Insurance with interest and D.D.A. with 9% compound interest to the respondent no. 1 /petitioner. The only amount which remained unpaid was the arrears of salary, for payment of which, a clearance from pay verification cell had to be obtained. This amount could not be paid to the writ respondent no. 1/ writ petitioner for the reason of the matter remaining pending with the pay verification cell.

This lapse, Mr. Nadim Seraj argues, ought not to have been saddled on the Registrar of the University, who was making all efforts to have the respondent no. 1 / writ petitioner paid all his dues.

During the course of the hearing of the appeal, today, the learned counsel for the writ petitioner / respondent no. 1, has brought to the notice of this Court that on 18.11.2022, the Registrar of the L.N. Mithila University had written a letter to the Director, Secondary



Education, Govt. of Bihar to pay to the respondent no. 1/ writ petitioner, an amount of Rs. 6,47,369/- + Rs. 8,52,802/-, which amount is towards the arrears of pay and which stands verified by the pay verification cell.

Under the aforesaid circumstances, Mr. Nadim Seraj prays that the order of imposition of cost on the Registrar of L.N. Mithila University be waived off as all efforts were and are being made by him for the respondent to be paid all his dues. That no complete payment of the retiral dues of the respondent no. 1/ writ petitioner could be made uptill now is not because of any fault of the University.

The counsel for the State is directed to respond to the afore-noted letter of the Registrar, L. N. Mithila University and make payment of the settled dues of the respondent no. 1/ writ petitioner within a period of four weeks from today.

Considering the afore-noted explanation by the appellant / University, the interim order dated 20.11.2018 passed by the learned Single Judge is modified to the extent that the imposition of fine is waived off but with the caveat



that the University shall, within a week, make a fresh reminder to the Government for releasing funds for payment of retiral dues to the respondent no. 1/ writ petitioner and shall ensure its seamless payment to him at the earliest.

With the aforesaid modification of order dated 20.11.2018, the appeal stands disposed off.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

sunilkumar/-

U			
---	--	--	--

