

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16112 of 2021

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Ramta Rai Son of Harihar Rai, Resident of Ward no.10, Shantinagar, 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
For the Respondent/s : Mr. Ritesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 16-05-2022 Heard learned Counsel for the parties concerned.

The petitioner, retired from the post of Store Keeper, from S. N. Shahmal Khairadeo College, Rohtas, on 29.02.2020, has been claiming his retiral dues viz., gratuity, leave encashment, Group insurance and arrears of ACP.

The fact of the case is that the petitioner was earlier appointed as Store Keeper in S. N. Shahmal Khairadeo College, Rohtas, as per staffing pattern in the year 1978 and subsequently, adjusted on the sanctioned post in the year 2011.

Learned counsel for the petitioner submits that on 22.08.2017, the Registrar of the University asked the concerned College not to take work from the petitioner and other similarly



situated persons against which the petitioner and others approached this Court in CWJC No. 13728 of 2017 and during pendency of this writ application, the petitioner and others were terminated on 29.06.2019 which was also challenged in the same writ application and ultimately, the writ application was allowed and order of termination was set aside.

Learned counsel further submits that one similarly situated person, namely, Rajgrihi Sharma approached this Court for payment of retiral dues vide CWJC No. 6257 of 2109 and the Co-ordinate Bench of this Court after taking into consideration the objection of the University that L.P.A. No. 55 of 2020 has been preferred before the Division Bench of this Court against the order of the writ petition filed by the petitioner and other similarly situated persons passed in CWJC No. 14653 of 2017, directed for payment of retiral dues subject to the final outcome of the LPA.

Referring to an order passed by this Court in the case of similarly situated writ petitioners bearing CWJC No. 6257/2019, learned counsel submits that the case of the petitioner is squarely covered by the judgment and order of this Court and the present writ application may be disposed in terms of order passed in CWJC No. 6257 of 2019.



Mr. Ritesh Kumar, learned counsel appearing for the University as well as that of State submit that the State Government has preferred LPA No. 313 of 2021 against the order passed in CWJC No. 13728 of 2017 as well as against the writ application filed by one Rajgrihi Sharma vide CWJC No. 6257 of 2019. Accordingly, no employee has been paid his retiral dues and the present petitioner has been paid provident fund only by the University.

Having heard learned counsel for the parties and taking into consideration the submission of learned counsel for the petitioner that the fact of the case of the petitioner is squarely covered by the judgment and order passed by this Court in CWJC No. 6257 of 2019 and the same has not been controverted by the learned counsel for the University except the fact that none of the employees has been paid his retiral dues by the University, the present writ application is allowed exactly in terms of order dated 23.03.2021 passed by this Court in CWJC No. 6257 of 2019 and the University is directed to make payments towards retiral/pensionary benefits of the petitioner within the same period as directed in the aforesaid judgment passed by this Court.

Needless to say that such payments made to the



petitioner would be subject to the final outcome of the LPAs preferred by the University and the State.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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