

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13328 of 2022

Arti Singh, W/o Chandra Bhanu Singh, Village- Gosandepur Upahbar,
District- Gazipur (U.P.).

... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Patna.
2. The Director, Higher Education, Patna.
3. Veer Kuwar Singh University, Ara through its Registrar.
4. The Vice- Chancellor, Veer Kuwar Singh University, Ara.
5. The Registrar, Veer Kuwar Singh University, Ara.
6. The Principal S.B. College, Ara.

... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Advocate
For the Respondent/s	:	Mr. Arvind Kumar, AC to GP- 23
For the University	:	Mr. P. K. Verma, Sr. Advocate
		Mr. Dr. Anand Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 12-12-2022

Heard Mr. Sunil Kumar Singh, learned counsel appearing on behalf of the petitioner, Mr. P. K. Verma, learned senior counsel, duly assisted by Dr. Anand Kumar, learned counsel for the University and Mr. Arvind Kumar, learned AC to GP-23, for the State.

2. The present writ application has been filed seeking a direction upon the respondent University to ensure payment of pension from December, 2020, gratuity, leave encashment, group insurance and arrears of ACP to petitioner. The petitioner further



prays to make payment of interest at the rate of 12% per annum and also grant any other reliefs for which the petitioner is entitled.

3. It is submitted that the petitioner was appointed as Laboratory Incharge on 10.08.1981 in Nalanda Mahila College, Bihar Sharif, which is constituent unit of Magadh University. Later on, the services of the petitioner is transferred to J.L.N. College, Dehri-on-sone, Rohtas as Laboratory Technician in Psychology Department. Thereafter pursuant to order issued by the Registrar of the University vide Memo No.675/Estab./11 dated 20.08.2011, she was adjusted/regularized as Laboratory Incharge on sanctioned post in S. B. College, Ara and since then she had been continuously working on the said post. He further submits that after working for more than 39 years, she superannuated on 30.11.2020.

4. Learned counsel for the petitioner submits that on 22/23.08.2017, the Registrar of the University asked the concerned college not to take work from the petitioners and other similarly situated persons. Against the said order, the petitioner and others approached this Court by filing C.W.J.C. No. 16426 of 2017, however, during the pendency of the writ application, the services of the petitioner and others were terminated on 29.06.2019, which was also challenged in the said petition and ultimately, the writ petition was allowed and the order of termination was set aside.



5. He further submits that various similarly situated persons, including Rajgrihi Sharma, approached this Court for payment of retiral dues in C.W.J.C. No. 6257 of 2019 and the learned Coordinate Bench of this Court after taking into consideration the objection of the University that a Letters Patent Appeal, bearing L.P.A. No. 55 of 2020, has been preferred before the Division Bench of this Court against the order of writ petition filed by the petitioner and other similarly situated persons in C.W.J.C. No. 14653 of 2017, as also C.W.J.C. No. 16426 of 2017, directed for payment of retiral dues subject to final outcome of the LPA. He further submits that various other persons have also approached before this Court and their cases have been disposed of in terms of order passed by the learned coordinate Bench of this Court in C.W.J.C. No. 6257 of 2019 (Rajgrihi Sharma Vs. The State of Bihar & others), the copies of few of the orders have been brought on record by way of Annexure-8 Series to the writ petition.

6. Referring to the orders passed by this Court in the case of similarly situated persons, learned counsel for the petitioner submits that the case of the petitioner is squarely covered by the judgment/order of this Court and the present writ petition may be disposed of in terms of the order passed in



C.W.J.C. No. 6257 of 2019 and other identical cases, as stated hereinabove.

7. Dr. Anand Kumar, learned counsel appearing on behalf of the University as well as the State submits that the State Government preferred Letters Patent Appeal against the orders passed in C.W.J.C. No. 14653 of 2017, C.W.J.C. No. 16426 of 2017 and C.W.J.C. No. 6257 of 2019 (Rajgrihi Sharma Vs. The State of Bihar & others) and, as such, no employee has been paid his/her retiral dues and moreover the present petitioner has been paid Provident Fund by the University

8. Having heard the learned counsel for the parties and taking into consideration the submissions of the learned counsel for the petitioner that the fact of the case of the petitioner is identical to the judgment passed by this Court in C.W.J.C. 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 their retiral dues by the University, this Court deems it apt and proper to allow the present writ petition in terms of the judgment dated 23.03.2021, passed in C.W.J.C. No. 6257 of 2019, and the respondent University is directed to make payment towards the retiral/pensionary benefits of the petitioner within the same period, as directed in the aforesaid judgment passed by this Court, if the claim of the petitioner is found



identical to those with whom the petitioner is seeking parity,
subject to the final outcome of the L.P.A. preferred by the State.

9. Accordingly, the present writ application stands
disposed of.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.12.2022
Transmission Date	NA

