

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15993 of 2022

Sumitra Devi Wife of Late Brajkishor Singh, Resident of Village and Post Office - Chhatauni, Ward no. 12, Durga Mandir Chowk, Chhatauni, Police Station - Basopatti, District - Madhubani, Pin Code - 847225.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Higher Education, Education Department, Government of Bihar, Patna.
3. The Kameshwar Singh Darbhanga Sanskrit University, Kameshwarnagar, Darbhanga through its Registrar.
4. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwarnagar, Darbhanga.
5. The Principal, Satya Narayan Sanskrit College, Chhatauni, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kaushalesh Choudhary, Advocate.
For the Respondent/s	:	Mr. Kumaresh Singh, AC to SC-28
For the University	:	Mr. Deepak Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-12-2022 Heard Mr. Kaushalesh Choudhary, learned counsel for the petitioner; Mr. Deepak Kumar, learned counsel for the University and Mr. Kumaresh Singh, learned AC to SC-28 for the State.

The present writ application has been filed for the following reliefs:-

(i) For issuance of an appropriate writ(s)/Rule(s)/Directions(s) in the nature of mandamus commanding the concerned respondents, for payment of post retirement benefits and monthly



pension payable to the petitioner's husband, w.e.f. 01.05.2011, after revision of his pay scale as per 7th pay revision's recommendation and after fixation of his pay scale, on the basis of ACP and MACP from due date, as the petitioner's husband namely Brajkishor Singh was superannuated from service w.e.f. 30.04.2011, after completing 38 years of regular service, from the post of Night Guard, the Class IV employee, from Saatya Narayan Sanskrit College, Chhatauni, Madhubani.

(ii) For issuance of an appropriate direction to the concerned respondent for payment of due monthly pension along with statutory interest, to the petitioner, from 01.05.2011, till date, for her husband's service.

(iii) For issuance of an appropriate direction to the concerned respondent for payment of differential amount of salary and all the post retirement benefits, to the petitioner, after fixation of her husband's pay scale, on the basis of 7th pay revision as well as ACP and MACP.

(iv) For grant of other relief(s) to which the petitioner's husband may found entitled, on the facts and circumstances of the case.

Learned counsel for the petitioner contended that the husband of the petitioner was appointed against the vacant and sanctioned post of Night Guard in Satya Narayan Sanskrit College, Chhatauni, Madhubani on 22.01.1973, thereafter, the



services of the husband of the petitioner was regularized vide letter no. 41/82 issued by the Secretary of the College. It is further submitted that the aforesaid college was granted permanent affiliation vide memo no. 2266 dated 20.11.2008 issued by the Deputy Secretary of Human Resources Development (Higher Education) Department. It is next submitted that after attaining the age of superannuation, he retired from service on 30.04.2011. However, despite lapse of more than ten years, the outstanding dues of the petitioner as stated in paragraph no. 1 have not paid, hence the hapless widow of the erstwhile employee, approached this court by filing the present writ application.

After some arguments, learned counsel for the petitioner submits that the case of the petitioner is squarely covered by the order passed by the learned co-ordinate Bench of this Court in some of the identical matters in CWJC No. 1806 of 2020 disposed of on 08.07.2021, CWJC No. 12631 of 2017 and CWJC No. 14580 of 2017 disposed of on 24.04.2018. The copies of which have been brought on record by way of annexure 9 series to the present writ application. He further submits that if the present writ application would be disposed of in terms of the aforesaid order, the grievance of the petitioner



would be redressed by the concerned authority. He next submitted that the petitioner is also entitled to the interest over the gratuity and leave encashment amount.

At this juncture, learned counsel for the University confronted the aforesaid submissions and submits that the petitioner may be allowed to file a representation before the Registrar of the University, who will examine the case of the petitioner and if it is found that the case of the petitioner is identical to those of writ petitioners mentioned herein above, similar relief would be allowed to him.

In view of the submissions made on behalf of the parties, the present writ petition stands disposed of with a liberty to the petitioner to file a representation before the respondent No. 4 along with the order of this Court as well as the order/judgement upon which reliance has been placed.

It is needless to say that if any such representation is filed within a period of four weeks, the respondent no. 4 shall consider the same and pass necessary reasoned and speaking order within a further period of eight weeks.

If the claim of the petitioner is found identical to those of Sushil Kant Mishra, Beda Nand Jha and Lal Jha, with whom the petitioner is seeking parity, the similar relief would be



granted to the petitioner.

As learned counsel for the petitioner submits that the petitioner is also entitled to the interest over the gratuity and leave encashment amount. The respondent no. 4 while considering the claim of the petitioner shall also consider claim for interest and pass a reasoned and speaking order, if any claim denied, the reason must be assigned by the respondent no. 4.

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

(Harish Kumar, J)

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