

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.260 of 2022

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Mahesh Prasad Singh, S/o Late Deo Yug Singh, resident of Sarvodayanagar,
Ward No. 40, P.S. and District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
4. The Finance Secretary, Govt. of Bihar, Patna.
5. The Director, Public Instruction, Govt. of Bihar, Patna.
6. The Vice-Chancellor, L.N. Mithila University, Darbhanga.
7. The Registrar, L.N. Mithila University, Darbhanga.
8. The Finance Advisor, L.N. Mithila University, Darbhanga.
9. The Finance Officer, L.N. Mithila University, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s : Smt. Shilpa Singh (G.A.12)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 13-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“(I) For issuance of a writ(s) in the nature of mandamus, commanding and directing the State of Bihar and respondent University to ensure that retired teaching employees are entitled to be paid pension and other admissible retiral benefits including arrear of

salary immediately after the date of retirement as envisaged and required by the University Act and Statute as well as law laid down by the Hon'ble Division Bench in C.W.J.C No. 17619/2016, order dated 08.10.2018.

(II) For issuance of a writ of Mandamus Commanding and directing the respondent State authorities to ensure that pension is paid to each retired teacher on 1st day of every calendar month and also the admissible dearness relief be revised and pay as an when notified by the State Government for the State Govt. employees as university employees are being paid the dearness relief at par with them in view of law laid down by the Hon'ble Division Bench.

(III) For issuance of a direction to the respondent university to see it that the required documenta/papers for pension and other retiral benefits are processed, audited and finally settled their payment latest by the end of the month of retirement of each teacher so that payment of pension may be commanced from the 1st day of 2nd month in view of law laid down by the Division Bench.

(IV) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned i.e. **(Respondent No. 6, the Vice-Chancellor, L.N. Mithila University, Darbhanga)** or any of the statutory authority to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes

recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits. All issues are left open;

(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	