

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2375 of 2023

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Bidyanand Jha @ Vidyanand Jha son of Late Harinandan Jha, resident of Village Sangi, Police Station Phulparas, Circle- Ghoghardiha, District- Madhubani, Pin- 847402.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Higher Education, Government of Bihar, Patna.
2. The Kameshwar Singh Darbhanga Sanskrit University through its Registrar, Kameshwar Nagar, Darbhanga.
3. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
4. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
5. The Finance Officer, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
6. The Governing Body, Amilal Babua Sanskrit Up- Shastri Mahavidyalaya, Khara Budhama, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Advocate Mrs. Sushmita Kumari, Advocate
For the State	:	Mr. Jai Prabhat Kishore, AC to SC-13
For the University	:	Mr. Deepak Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-07-2023 Heard Mr. Ashok Kumar Choudhary, learned counsel appearing on behalf of the petitioner; Mr. Jai Prabhat Kishore, learned AC to learned SC-13 appearing on behalf of the State and Mr. Deepak Kumar, learned counsel for the University.

2. Petitioner who had retired on 31.12.2014 from the post of Assistant Professor has filed the present writ petition for following relief(s):



“That this is an application for the issuance of a writ in the nature of mandamus commanding the respondents with direction to make payment of pension to petitioner with all arrears from the month January, 2015 after giving benefit of ACP/MACP including the payment of other post retirement dues such as total amount of gratuity and leave encashment of 300 days accordingly.”

3. Learned counsel appearing on behalf of the petitioner informs this Court that ‘No Dues’ has already been issued by the Amilal Babua Sanskrit Up- Shastri Mahavidyalaya, Khara Budhama, Madhepura, vide letter dated 22.08.2021 under the signature of Principal of the College. It is further submitted that in view of the notification as contained in memo no. 950 dated 26.06.2021 all the affiliated deficit grant Up-Shastri and Shastri Colleges have not been covered under the triple benefit scheme, therefore, the said scheme is being implemented to all teaching and non-teaching staffs of the deficit affiliated Up-Shastri or Shastri Sanskrit Colleges, who have retired from service on or after 31.08.2010. A copy of notification contained in memo no. 311 dated 07.02.2016 and memo no. 950 dated 26.06.2021 have been brought on record by way of ‘Annexure- 6 & 7’ to the writ petition.

4. Learned counsel further submitted that the petitioner after attaining age of 60 years had retired from his



service with effect from 31.12.2014 and almost 9 years have been lapsed and no payment on account of the retiral dues have been made to the petitioner including the benefit of pension to which the petitioner is entitled from January, 2015 and the benefit of ACP and MACP applicable to the employee of the University.

5. Learned counsel appearing on behalf of the State informs this Court that the employees of the affiliated college are not entitled to benefit of ACP and MACP, however, they admit that petitioner has not been paid the dues on account of retiral benefits under different heads.

6. Learned counsel appearing on behalf of the University submitted that the University has already granted provisional pension to the petitioner, however, the University is stressed due to non-availability of fund. He further submitted that he has made a specific statement in counter affidavit that for payment of admissible retiral dues to the petitioner, the University has already sent to the Pay Verification Cell of Education Department.

7. The Vice-Chancellor of the University, Registrar of the University and the Finance Officer of the University should personally approach the Additional Chief Secretary,



Higher Education Department, Government of Bihar. The Additional Chief Secretary, Higher Education Department, Government of Bihar will put up the matter before the Additional Chief Secretary, Finance Department, Government of Bihar to ensure at least disbursal of fund, which is required by the University for the payment to be made to the petitioner.

8. The Registrar of the University must forthwith redress the grievance of the petitioner and make payment within a period of three weeks.

9. In case, the order is not complied with, the petitioner may file a contempt petition before this Court for willful non-compliance of the order.

10. With the above observation/direction, the present writ petition is allowed.

(Purnendu Singh, J)

Niraj/Nilmani

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