

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1083 of 2023

Dr. Surendra Mishra S/o Raghaw Sharan Mishra, R/o Village- In front of SBI ATM, Thana Road, Bhagwan Bazar, P.O. and P.S.- Bhagwan Bazar, District-Saran, PIN- 841301

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Education Dept. Govt. of Bihar, Patna.
2. The Secretary, Higher Education Dept. Govt. of Bihar, Patna.
3. The Vice Chancellor, B.R.A. Bihar University, Muzaffarpur.
4. The B.R.A. Bihar University, Muzaffarpur through its Registrar.
5. The Vice Chancellor, J.P. University Chapra.
6. The Jai Prakash University, Chapra through its Registrar.
7. The Finance Officer, J.P. University, Chapra.
8. The Finance Advisor, J.P. University, Chapra.
9. The Principal/Professor-in Charge Rajendra College, Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Shekhar Tiwary, Advocate
For the University	:	Mr. Ashhar Mustafa, Advocate
		Mr. Indrijesh Kumar, Advocate
For the State	:	Mr. Rajeev Ranjan, AC to GP-20

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-05-2023 Heard Mr. Shashi Shekhar Tiwary, learned counsel appearing on behalf of the petitioner, Mr. Ashhar Mustafa and Mr. Indrijesh Kumar, learned counsels appearing on behalf of the Universities and Mr. Rajeev Ranjan, learned AC to learned GP-20 for the State.

2. Petitioner, who had retired on 31.07.2016 from the post of Assistant Professor has filed the present writ petition for following relief(s):



“ (A) The answering Respondents, particularly the respondents – J.P. University, Chapra may kindly be directed to ensure immediate payment of: -

i. Group Insurance amount with 12.5% compound interest in continuity (in view of the Hon’ble Courts decision reported in 2006 (4) PLJR 369 and other decisions).

ii. Differential amount towards leave encashment for 300 days (in view of Hon’ble Court’s decision passed in C.W.J.C. No. 7837/ 2012, read with other developments).

iii. Remaining amount towards gratuity, subject to entitlement.

iv. Differential amount under the 4th PRC for the period 27.01.1993 to 31.12.1995 (while providing calculation chart to that effect).

v. Differential arrear under the 5th PRC, for the period of 01.01.1996 to 31.12.2005 (while furnishing calculation chart to that effect).

vi. Differential arrear under the 6th PRC, for the period of 01.01.2006 to 31.12.2015 differential amount and towards 7th Pay Revision thereafter; (while furnishing Calculation Chart under this head) accordingly.

vii. The benefit of Ph.D. increment w.e.f. 01.01.1996 also may kindly be extended while adding the same into the pay and allowances found admissible time to time there after.

viii. Differential arrear/ amount accrued on account of addition of the abovesaid Ph.D. increment simultaneously may kindly be allowed, while recalculating the Pension, E.L etc. at the earliest.

ix. Up-to-date statutory / penal interest also may kindly be allowed to the present petitioner; upon the payment above said on the ground of inordinate delay, with the cost of the present petition.

(B) The Respondents – B.R.A Bihar University, Muzaffarpur may kindly be directed to make immediate payment of: -

i) Differential arrear towards pay and allowances admissible prior to October 1992 in



view of Dudth Nath Tiwari Case, since reported in 2000 (4) PLJR.

ii) Deferred D.A. with up-to-date statutory interest till the date of final payment in view of Prof. Surendra Bahadur Case reported in 2006 (4) PLJR 369.

(C) Any other relief or reliefs also may kindly be allowed to the petitioner for which he be found entitle in the opinion of this Hon'ble Court.

(D) The respondents also may kindly be directed to ensure payment of statutory / penal interest over all the above said dues on account of delayed payment."

2. Learned counsel appearing on behalf of the petitioner informs this Court that the petitioner has already represented before the authority concerned and the claim of the petitioner has been forwarded by the Principal of the concerned college and the only delay in making payment is being caused by the Registrar of the University.

3. Learned counsel appearing on behalf of the University informs this Court that immediate steps will be taken by the Registrar of the University to disburse all the dues as claimed by the petitioner within a period of three weeks.

4. In the meantime, the Vice Chancellor of the University must ensure that the Registrar of the University takes all the serious steps for making payment of the retiral dues admissible to the petitioner within a period of three weeks.

5. At this stage, the learned counsel appearing on



behalf of the University informs this Court that the University is stressed due to non-availability of fund and if it is true, the Vice Chancellor and the Registrar of the University should personally approach the Additional Chief Secretary, Higher Education Department, Government of Bihar, who will at least ensure disbursal of fund, which is required by the University for the payment to be made to the petitioner.

6. The Registrar of the B.R.A. Bihar University, Muzaffarpur as well as J.P. University Chapra, must forthwith redress the grievance of the petitioner and make payment within a period of three weeks.

7. 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.

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

(Purnendu Singh, J)

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