

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3091 of 2023

Arjun Mishra Son of Sukhdev Mishra, Resident of Village-Naya Gaon,
Thakurbari Road, Post Office-Jamalpur, District-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Director, Higher Education, Education Department, Bihar.
3. Kameshwar Singh Darbhanga Sanskrit University Darbhanga through its Registrar.
4. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
5. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
6. The Principal, Shri Mahant Shtanand Giri Harihar Sanskrit College, Bodhgaya (Gaya).

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms.Remy Kumari, Advocate.
For the Respondent/s : Smt. Binita Singh, SC-28.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 18-07-2023

Heard Ms. Remy Kumari, learned counsel
appearing on behalf of the petitioner and Smt. Binita Singh,
learned SC-28 for the State.

2. The petitioner has filed the present writ petition
for the following reliefs:

(1) For issuance of writto grant the Retirement Benefits to the petitioner by the Respondent Authorities as according to the petitioner's post and its scale, even though the petitioner has retired from the service on 30.04.2020, and till now the benefit of payment of post-retirement benefits under the Statutes has not been provided to him.



For that this petition is filed for issuance of writ/ writs, director/ directors in the name of mandamus. to the respondent authority for payment of salary of petitioner whose appointment on the post of Lecturer on 23.07.1976 and the same had been confirmed by the Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga, i.e. respondent no. 6 vide letter dated 23.08.2007 in the Shri Mahant Shtanand Giri Harihar Sanskrit Collage, Bodhgaya, Gaya and who has retired on 30.04.2020 on the post of vice-principal, Shri Mahant Shtanand Giri Harihar Sanskrit Collage, Bodhgaya, Gaya.

(iii) For that this petition is filed for issuance of writ/ writs, in the name of mandamus to the respondent authority for the payment of post-retirement benefits to the petitioner in the light of the order dated 23.07.2018 of this Hon'ble High Court passed in C.W.J.C. No. 9726/2017 (Dr. Jitendra Narayan Singh and Anr. versus The Hon'ble Chancellor of Universities of Bihar Patna and Ors.).

(iv) For the other reliefs for which petitioner is entitle in the facts & circumstances of the case.

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 six 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 six 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 petitioner, if so advised, may file a detailed representation before the Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga by adducing all the relevant evidences in support of his claim.

7. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga is directed to pass a reasoned order considering the representation of the petitioner and hold that as to whether the petitioner is entitled to the claim as made in the present writ petition within a period of six weeks. If the petitioner is found to be entitled for his claim as sought in the present writ petition, the same is required to be paid to the petitioner not beyond a further period of two weeks.

8. It goes without saying that petitioner is also entitled for interest on delayed payment.



9. With the above observation/direction, the present writ petition is disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	21.07.2023
Transmission Date	N.A.

