

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3081 of 2023

Dr. Md. Wasimul Haque Son of Late Md. Waizul Haque, Resident of
Mohalla- Road No. 22, Near Masjid Aliganj, Police Station- Chandauti,
District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Bihar, Patna.
2. The Secretary, Department of Education, Government of Bihar, Patna.
3. The Magadh University through its Registrar.
4. The Vice Chancellor, Magadh University, Bodh Gaya, District- Gaya.
5. The Registrar, Magadh University, Bodh Gaya, Gaya.
6. The Finance Officer, Magadh University, Gaya.
7. The Principal, Mirza Galib College, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Virendra Prasad, Advocate
For the University	:	Mr.Harsh Singh, Advocate
For the Respondent/s	:	Mr.Shankar Kumar Thakur, AC to GP 27

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-06-2023 Heard Mr. Virendra Prasad, learned counsel

appearing on behalf of the petitioner; Mr. Harsh Singh, learned

counsel for the University and Mr. Shankar Kumar Thakur,

learned AC to GP 27 for the State.

2. The present writ petition under consideration has

been filed for following relief (s) : -

“That this application is being filed for issuance
of writ in the nature of mandamus
directing/commanding the respondents authority
to pay the Pension from 01.03.2021 to
20.06.2021, Gratuity amount, Earned Leave



Salary, arrears of salary on account of 7th revision pay scale with up to date penal interest @ 18% delayed payment of terminal benefit in the light of law laid down by the Hon'ble Supreme Court in case of Uma Agrawal Versus the State of UP reported in AIR 21000 SC 3513 and judicial order passed by the Division Bench of this Hon'ble Court in case of Lilawati Mishra Versus The State of Bihar, reported in PLJR 2022(2) 671 and in case of Ram Bilash Singh Versus The State of Bihar passed in CWJC No.1628 of 2019.

3. 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 delay in making payment is being caused by the Registrar of the University.

4. 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 four weeks in spite of the fact that the University is stressed due to non-availability of fund.

5. The Vice-Chancellor, Registrar and Finance Officer of Magadh University, Gaya, must ensure to comply with the direction of this Court contained in ***CWJC No. 6852 of 2021 (Lilawati Mishra vs. The State of Bihar & Ors.)*** by facilitating



speedy redressal of the genuine grievance and prevent unnecessary litigation.

6. The Vice Chancellor and the Registrar of the University are required to 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.

7. Entire admissible dues on account of retiral benefit must be paid to the petitioner after examining his claim within a period of four weeks.

8. In case, the order is not complied with, the petitioner may file an application for initiating a proceeding of contempt for willful disobedience of this order.

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

(Purnendu Singh, J)

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