

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.928 of 2021

In

Civil Writ Jurisdiction Case No.17778 of 2018

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Arjun Poddar S/o Late Laxmi Poddar R/o Village- Abjuganj, P.S.-Sultanganj,
District- Bhagalpur.

... .. Petitioner/s

Versus

1. The T. M. Bhagalpur University Bhagalpur, through its Registrar namely Dr. Niranjan Prasad Yadav.
2. The Vice-Chancellor T.M. Bhagalpur University, Bhagalpur, namely Dr. Sanjay Kumar Choudhary.
3. The Financial Advisor T.M.Bhagalpur University, Bhagalpur, namely Mr. P.K. Jha.
4. The Finance Officer T.M. Bhagalpur University, Bhagalpur, namely Shankar Sharan Ambastha.
5. The Principal B.R.M. College, Munger Town and District- Munger, namely Dr. Anita Prasad.
6. The State of Bihar Through the Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna, namely Mr. Sanjay Kumar, I.A.S.
7. The Director Department of Higher Education, Govt. of Bihar, Patna, namely Dr. Rekha Kumari.
8. The Honble of Chancellor Universities, Raj Bhawan, Patna through the Principal Secretary of the Honble Chancellor of Universities, Namely Mr. Robert L. Chongthu, I.A.S.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Adv.
For the O.P. No. 8	:	Mr. Rana Vikram Singh, Adv.
For the State	:	Mr. Shashi Shekhar Tiwary, AC to AAG 13
For the TMBU	:	Ms. Rekha Prasad, Adv.



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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 13-04-2023

Heard learned counsel for the parties.

In CWJC No. 17778 of 2018, at the instance of the petitioner, a Division Bench of this Court, without going into the factual matrix of the case and leaving all questions open, directed the T. M. Bhagalpur University to positively consider the case of the petitioner in light of the judgment rendered in L.P.A. No. 1844 of 2012 (Jwala Prasad Singh Vs. The State of Bihar & Ors.) within a period of four weeks from the date of receipt/production of a copy of the order referred to above.

While saying so, the Bench did not traverse through the merits of the case. However, it was directed that if the claim of the petitioner was found to be tenable, all consequential actions, including payment of interest, shall be done within a period of one month



thereafter.

The show cause reply on behalf of the University indicates that the Vice Chancellor, on receipt of the order, constituted a Three-Men Committee to find out whether the case of the petitioner was covered by the judgment in LPA No. 1844 of 2012. The Committee has now submitted its report on 27.01.2023 with the recommendation that payment of pre and post retiral benefits of the petitioner, treating his service in continuity from 30.08.1999 to 04.06.2023 ought to be made. It further appears from the show cause reply that the Vice Chancellor agreed with the recommendation of the Three-Men Committee *vide* his office order No. 44 of 23 dated 25.02.2023. An undertaking has been given in such reply that all the grievances of the petitioner shall be redressed at the earliest and the whole issue is under process.

Considering the afore-noted statement in the show cause reply, we are inclined to and dispose off this



contempt petition with a direction that if the claim of the petitioner has been accepted, necessary consequential action shall be taken, without delay, preferably within a period of 60 days positively, failing which the petitioner shall have the liberty to file a two-pages affidavit for reviving this contempt petition.

The petition stands disposed off and consigned.

(Ashutosh Kumar, J)

(Harish Kumar, J)

Anjani/Praveen

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	18.04.2023
Transmission Date	N.A.

